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The Old Northwest and the Compromise of 1850

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THE OLD NORTHWEST AND THE COMPROMISE OF 1850

By

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VITA

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INTRODUCTION

The Compromise of 1850 is of great significance in the history of the United States as a part of that horrible struggle over slavery resulting in the war which decided only that one section of the country was stronger than the other. Viewed in retrospect, the year 1850 stands out as the period in which all the bitter antagonisms born of sectionalism asserted themselves, to be stifled apparently forever by means of compromise. Actually, these animosities by their very expression gained strength and support, and continued to do so until there was no preventing the conflagration some ten years later which engulfed the whole nation in a civil war.

Though forming but a small part of our country, the Northwest has ever played a dominant role in the shaping of the future of the nations as a whole. More than once the key to many problems of national character has been found there. William F. Allen states:

Our territorial system, our policy of creating new States, our national guaranty of personal freedom, universal education, and religious liberty found their first expression in the great act which provided for government of the Northwest.¹

It was in this section that the Republican Party took root and flour-

¹ William F. Allen, "The Place of the Northwest in General History", Papers of the American Historical Association -- 1887, G.P. Putnam's Sons, New York, 1888, 104.

ished, and under the leadership of Abraham Lincoln carried the banner of the anti-slavery forces to victory. Historians commonly hold that the people of the Old Northwest vigorously rejected the Compromise of 1850, and it is the purpose of this work to ascertain to what extent such a viewpoint is tenable.

In the present work, it was deemed advisable to treat of the provisions of the Compromise as separate issues rather than as a whole in order that the reaction of the Northwest might be the more thoroughly studied.

CHAPTER I

SLAVERY IN THE OLD NORTHWEST PRIOR TO 1840

It was chiefly through the efforts of George Rogers Clark that in 1778 the Old Northwest had been wrested from the hands of the British, and that there was thus placed upon Congress a great responsibility. Provisions had to be made for Americans already settled in these lands, and for those who were to come, whereby they might share in the fruits of the Revolution and become an integral part of the new nation. Accordingly, in 1784, a committee headed by Thomas Jefferson was appointed to prepare a plan which would be:

consistent with the principles of the confederation, for connecting with the union by a temporary government, the purchasers and inhabitants until their numbers and circumstances shall entitle them to form a permanent constitution for themselves and as citizens of a free, sovereign, and independent state, to be admitted to a representation in the Union.¹

The system of forced labor was at this time existing and almost universally accepted in this country. Although there was no man of national importance who would defend slavery in abstract theory, in fact there were many who condemned it, there were those who wished to see the institution spread to the new territory. Among the vast number who opposed its extension was

¹ Jacob Dunn, Jr., Indiana, A Redemption from Slavery, Houghton Mifflin Co., Boston, 1888, 180.

Thomas Jefferson, who opposed slavery on democratic as well as humane principles. Jefferson succeeded in incorporating in the draft of the Ordinance of 1784 a provision:

That after the year of 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes whereof the party shall have been convicted to have been personally guilty.²

The words were lost, and on April 23, 1784, the ordinance without Jefferson's provision was passed and remained the fundamental law until July 13, 1787. There were others who shared the disappointment of Jefferson in the defeat of his anti-slavery clause. Thomas Pickering of Revolutionary fame wrote to Rufus King, then a member of Congress, and according to King, stated his extreme sorrow at the loss of Jefferson's clause, urging that one more effort be made to prevent so terrible a calamity as the spread of slavery.³

Pickering evidently had great influence with King, for the next year in Congress, King moved that slavery be banned in the Northwest at once, but the motion was lost. With the appointment of Jefferson to the diplomatic post of France in 1785, the anti-slavery cause was retarded and apparently abandoned, for as late as two months before the passage of the Ordinance of 1785 a committee had reported an ordinance for the government of the Northwest that was silent on the question of slavery. How, then, did it happen that into the

² William F. Poole, "The Early Northwest" American Historical Proceedings, Vol. III, No. 1, Putnam's Sons, N.Y., 1888, 59.

³ Dunn, 192.

Ordinance of 1787, by which these lands were to be governed, and which was to serve as a model for later territories, was inserted the famous Article VI which stated: "There shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted"?⁴

In January, 1786, Dr. Mannasseh Cutler of the Ohio Company arrived in New York to apply for the purchase of lands. The Ohio Company did not have as its principal object the abolition of slavery, but it was desirous of obtaining for its prospective settlers, chiefly from New England, that type of government most natural to them; and since slavery had no place in the lives of these people, the Company brushed it aside. Although there was no great conflict over slavery at this time, the views of certain individuals regarding it were to play a great role in the exclusion of that institution from the Territory. Dr. Cutler, who was a member of the New England clergy, a body remarkable for the great influence it exerted in the forming and guiding of people's consciences, was one of these individuals.

When Cutler appeared before Congress, he could look for support from one source outside his company, and strange as it may seem, that source was Virginia and her statesmen. Virginia was anxious for the new territory to be settled. Not only would it secure her from Indian attack, but it would place her in a position to control the commerce of a vast interior inviting industry and ultimately bringing her prosperity. Georgia and the Carolinas, far removed from the Northwest, could well afford to be indifferent on the sub-

⁴ Benjamin Hall, The Early History of the Northwestern States, Geo. H. Derby & Co., Buffalo, 1849, 160. (citing Peter's U.S. Statutes, Vol. I, 57.)

ject of the settlement; they would be willing even to yield on the question of slavery with the understanding that what would benefit Virginia would in no way be injurious to them.

Cutler brought with him numerous letters of introduction among which were those to Edward Carrington, William Grayson, and Richard Lee, members of Congress, from their old military comrades, Samuel Parsons, and Rufus Putnam, who were then directors of the Ohio Company. This undoubtedly explains the fact that a new Committee of the Governmental Ordinance was formed with Carrington as Chairman, Lee as a member, Grayson being temporarily President of Congress. Cutler himself alludes to these three Virginia members--"Grayson, Lee, and Carrington are certainly very warm advocates"--"Mr. R.H. Lee assured me he was prepared for one hour's speech and he hoped for success."⁵

Had we Lee's "hour speech" or more complete records of the many conferences held between Cutler and the Virginia delegation, we might be able to disclose why slavery quietly stepped down and out, and gave place to what was later to become the domain of freedom. At any rate, that is precisely what slavery did, as the records indicated.

The Ordinance without the prohibition of slavery had been reported on April 26, 1785, but had gone no farther. On July 6, 1787, Cutler arrived in New York and immediately set to work. When the new session of Congress began on July 9, the new draft was reported to Cutler and the following day, it was reported to Congress without the slavery clause. The bill, up for its second reading on July 12, contained the sixth article prohibiting slavery. On July

⁵ W.P. Cutler, "The Ordinance of July 13, 1787", Ohio Archaeological and Historical Quarterly, Vol. I, June, 1887 -- March 1888, 28.

13, the bill was read a third time and was passed becoming the law for the new Territory. By the new Ordinance of 1787, slavery was prohibited from that section north of the Ohio, and legally speaking, had no existence in the Northwest Territory. The fact remains, however, that slavery had been existing for some time and continued to do so for many years to come in spite of Article VI.

As early as 1720, Philip Renault, on his way to America to establish the mining industry in the northern Louisiana country, stopped en route at San Domingo, and took on 500 negroes. This marks the introduction of slavery into the area north of the Ohio River.

Thirty years later, M. Vivier, the French missionary to the Illinois Indians, described the region thus:

We have here Whites, Negroes, and Indians, to say nothing of cross breeds . . . In the five French villages, there are perhaps eleven hundred whites, 300 blacks and some 60 red slaves or savages.⁶

It is seen by this that Indians as well as Negroes were held in bondage, at least in Illinois.

How was the Ordinance to affect this existent slavery? Arthur St. Clair, who was appointed Governor of the Northwest Territory on October 6, 1787, received a letter from Bartholomew Tardiveau in behalf of the inhabitants of Vincennes and Illinois asking for an explanation of Article VI in regard to their slaves.

⁶ Norman Dwight Harris, The History of Negro Servitude in Illinois and of Agitation in that State, 1719-1864, A.C. McClurg and Co., Chicago, 1904, 2.

Governor St. Clair held that this clause intended only to prevent the introduction of slaves, and did not aim at the emancipation of those already there.⁷ Gradually this came to be the accepted opinion and the fears of the slaveholders were allayed.

At a meeting of the Governor and Judges in Cincinnati, Judge Turner proposed the courts of common pleas be authorized to bind out for a reasonable time the free children born of slaves. Nothing came of this, but the importance of the incident lies in the fact that obviously slavery was being practiced in the Territory, and that the Judges and Governor, fully aware of it, merely winked at the matter.

The first active attempt to upset the Sixth Article was made in the form of a petition to Congress asking that the Article be modified or repealed to permit the thousands of slaveholders just across the river to cross over with their slaves. This, too, was ignored.

September 8, 1799, the first Legislature of the Northwest Territory met in Cincinnati. On the 25th, a petition from a group of Kentuckians was introduced praying that they might be permitted to settle with their slaves in the new territory. The members of the Legislature refused unanimously to grant the request, agreeing "that the petition was incompatible with the provisions of the Ordinance and should be rejected."⁸ A similar petition was presented the following month by Thomas Posey, in behalf of himself and several other officers of Virginia, but this likewise was refused.

⁷ Ibid., 6.

⁸ Charles J. Wilson, "The Negro in Early Ohio", Ohio Archaeological and Historical Publications, Vol. XXXIX, 1930, 733.

In 1800, the Northwest Territory was divided. That part of it which approximates the present limits of Ohio became the Northwest Territory, and the balance the Indiana Territory. In 1802, the eastern part of the Territory was empowered to form a state, and the following November, a convention was held at Chillicothe to frame what was to be the constitution for Ohio. Into this constitution was written Article VII, Sec. II providing, "There shall be neither slavery nor involuntary servitude--nor shall any indenture of any negro exceed one year."⁹ It is quite significant that although there were in Ohio at this time fewer than 500 Negroes, more than 100 petitions concerning the status of the Negro were presented. Likewise, it is interesting to note that in these petitions, no demand for the legalization of slavery was made, nor is there any record of an attempt to bar the anti-slavery section of the bill of rights. One must fully realize that this legislation did not result from a great charity for the colored man, nor from the desire to make him equal to the white politically or socially. On the contrary, there was great sentiment for restriction of the Negro expressed not only in the Constitution but in the subsequent black codes of 1803 and 1807, which were exceedingly severe and harsh in their terms. Even as late as 1839, the legislature of Ohio refused to repeal these "black codes" and went on record as condemning abolition because it would place the Negro on an equality with the white.

The story is similar in the other states. When the Indiana Territory was separated in 1802 from Ohio, Harrison was appointed Governor. He was decidedly pro-slavery, and during his term, several attempts were made to

⁹ Hall, 407.

modify Article VI. In 1802, Congress was again petitioned for a temporary suspension of the anti-slavery article in relation to the Indiana territory. This, with two more requests placed before subsequent sessions of Congress, was refused. In 1807, Congress was asked to suspend the Article for a term of ten years, but this too, was ignored.¹⁰

In Indiana, we find the same inconsistency as in Ohio, for in spite of an unwillingness to sanction slavery outwardly, Indiana gave protection to slave holders by supporting the indenture contract in 1803, and actually going on record in 1807 as indorsing indenture servitude. Because of this protection a number of Negroes were brought into the Indiana Territory from Kentucky, Tennessee, Virginia, many of whom were bound out in excess of the legal limit. Under this regulation, the number of Negroes in the Indiana Territory increased from 183 in 1800 to 749 in 1820.¹¹ Slavery existed as completely in the Indiana Territory as it did in any of the southern states, though not in the same form.

The first political struggle along slavery lines in Indiana occurred over the election of a delegate to Congress. Jonathan Jenkins, an anti-slavery man, was elected and held the office until 1812. This marked the practical end of the slavery struggle, for through the efforts of Jenkins and his party, the indenture act was repealed in 1810.

When the Corydon Convention met in 1816 to draw up the constitution for Indiana, Jenkins was elected president. It was no surprise, then, that the

¹⁰ Alma G. Potts, "Slavery in the Old Northwest", The Historical Outlook, Vol. XXXIII, No. 2, February, 1942, 76.

¹¹ Harris, 12.

constitution of Indiana, as that of Ohio, prohibited slavery and rejected involuntary servitude. Yet even here the matter was not fully settled. Future importation of slaves was clearly forbidden, but pre-existent slavery was not discussed.

As far as any legal right of slavery was concerned, the matter was brought to an end by the decision of the Supreme Court in the case of "Polly vs. Lasalle". Lasalle, sued by Polly for her freedom, asserted she was his slave by right of purchase. He was upheld in the lower court, but an appeal to the Supreme Court of Indiana brought about a reversal of this decision. This tribunal decided that "it was within the legitimate powers of the convention framing the constitution to prohibit slavery, and it was further evident that the framers of the constitution meant absolute prohibition of slavery in the state."¹² After this there was no legal excuse for holding Negroes in servitude, although it was done for years afterwards. In 1830, the local census of Vincennes revealed that there were thirty-two slaves there, four more than in all Indiana in 1800.¹³

Identified with Ohio and later, Indiana, Illinois had no separate history until 1809. However, from this territory, several petitions were made against the sixth article. In 1813, the legislature of the territory prohibited the immigration of free Negroes, and ordered the registration of all those then in the territory. Violators of this law were severely punished. At the time of the adoption of the state constitution in 1818,

¹² Potts, 77.

¹³ Loc. cit.

Illinois was divided into three groups, pro-slavery, anti-slavery, and a compromise group desirous of giving the state a semblance of a free constitution, and at the same time maintaining the existing system of indenture. It was the last group that won out, and the constitution adopted simply confirmed the existing system. Negroes already indentured did not have their terms lessened. Because of this, there was considerable debate over whether or not Illinois should be admitted to the Union. Many held that the stand on slavery was not sufficiently firm, and others took the view that the Northwest Ordinance had no reference to slaves already in the territories. With the admission of Illinois into the Union in December of 1818, the right to retain Negroes as indentured servants was recognized and secured.

Between the years of 1820-23, there was a move on the part of the slavery men to open Illinois to slavery. This took the form of an effort to call a convention to amend the state constitution. However, the anti-slavery group formed the nucleus of an anti-convention party powerful enough to defeat their opponents. With the defeat of the conventionalists, Illinois was definitely ranked as a free state, cutting off emigration from the South and encouraging it from the North and East. After 1830, however, the number of slaves in Illinois decreased gradually.

These three states, Ohio, Indiana, Illinois, presented in their constitutions a solidarity that did not truly exist. Bordering on slave states, they were naturally influenced by their southern neighbors, and we find in their southern counties a strong pro-slavery sentiment. In the northern sections of these states, on the other hand, the attitude towards slavery was either one of opposition or indifference. It is because of this that the course of

slavery seems to be such a contradiction.

The other states, Michigan, Iowa and Wisconsin, admitted into the Union in 1837, 1846, and 1849 respectively, present no such division. Farther removed from the South, they were populated by people who had come first to Ohio, finally migrating farther west. It was not until the anti-slavery societies were fairly well organized, and the abolition movement had a fast hold in the Northwest, that Iowa and Wisconsin, reached the necessary number of inhabitants for statehood. Consequently, these states were destined from their infancy to be anti-slavery, but it is in Ohio, Indiana, and Illinois that one can best trace the rise of the abolition movement.

There was no attempt to hide the traffic in slaves. Frequent notices of desirable slaves "for sale" and "wanted" appeared in the Western Intelligencer of Kaskaskia, Illinois. Most of the early settlers had owned slaves and were anxious to get as much service out of them as possible, purchasing very young slaves in order to secure the longest legal terms of service. In fact, these periods of service far exceeded the limits, many slaves being booked to serve from forty to sixty and even ninety-nine years.¹⁴ This was done knowingly by the master, who believed quite rightly that no one would take the trouble to prosecute him for holding his slaves to unlawful service. The Negro was too ignorant to realize that advantage was being taken of him, and even had he realized it, he would have been powerless to help himself. This state of affairs continued until 1840. While it is true that many men like Governor Coles came into the territory with the desire of freeing their

¹⁴ Harris, 11.

slaves, there were those of equal political importance, such as Governor Edwards, who practiced indenture even as late as 1829. No mere Article VI, no court decisions could rid the section of slavery. It would take a movement, the momentum of which would be fed on the integrity of men's consciences to wipe out this great evil, and this movement was to be that of the Abolitionists.

It is commonly held that even had there been no prohibition of slavery in the Ordinance of 1787, the result would have been the same, for those settlers coming from New England would have ruled the Territory in spite of a large number of southern emigrants. According to this view, this section was too far removed from the slave-holding South which poured its excess population into the Southwest. This has already been granted concerning Michigan, Wisconsin and Iowa; but with regard to Ohio, Illinois, and Indiana, the older view, that which maintains that the ruling in the Ordinance settled the question at the outset, has much more weight.¹⁵

As a matter of fact, slavery would have been just as profitable in any of these three states as it was in Missouri, Kentucky, or Virginia. The southern sections of these states were actually settled by Southerners who dominated the political field for the first half of the century. Yet, in spite of this, in each of these three states, the struggle for slavery was lost. The explanation lies in the fact that the prohibition of slavery in the Territory kept out those who lived by the institution. The Southerners who came into the territory were either indifferent to slavery, or actually

¹⁵ Theodore C. Smith, Liberty and Free Soil Parties in the Northwest, Longmans, Green, and Company, New York, 1897, 1.

opposed it on moral grounds, while from the East came those emigrants who would eventually be bound in conscience to oppose the institution.

The Ordinance of 1787, therefore, by determining the character of the settlers during the territorial period did fulfill its purpose of keeping slavery out of the Northwest; but no legislation could or did make anti-slavery a dominant political force in that region.¹⁶

Just what was the character of the settlers so determined by the Ordinance? Fundamentally, they were men and women imbued with profound religious principles and determined to make others abide by them. Such were the Quakers, the Puritans, the Methodists, and Presbyterians, all with fanatical potentialities. The Quakers, whose testimony against slavery is well known, based their arguments specifically on moral and religious grounds, embodying a doctrine of human brotherhood frequently containing definite plans for the emancipation of slaves. These came in large numbers early in the nineteenth century to eastern Ohio, and wherever the "Society of Friends" made their homes, the anti-slavery views found expression. As early as 1688 the Quakers of Germantown raised their voices in opposition to slavery. The Puritans, Methodists, and Presbyterians, strict and unrelenting, would follow the dictates of their consciences as formed by their preachers. Should slavery be given a moral interpretation, there would rise from the ranks of these its deadliest opponents. By the prohibitory clause of the Ordinance of 1787 the ground had been prepared and made fertile in the old Northwest for the growth of the anti-slavery movement. Before 1831 the anti-slavery

¹⁶ Ibid., 3.

movement had been expressed in all the sections of the country. Some of the bitterest utterances against slavery had come from the South.¹⁷

As early as 1796 William Dunlap left Kentucky and settled in Brown County, Ohio, then in the Northwest, and set his slaves free. Dr. Alex Campbell, later a member of the Ohio Legislature and the United States Senate, and Thomas Kirker, later Governor of Ohio, both from Kentucky, came into the Territory and freed their slaves.

Benjamin Lundy estimated that in 1827, there were in the United States 130 anti-slavery societies, of which 106 were in the slave-holding states. According to the same authority, ten years later, not one such society existed in a slave-holding state.¹⁸

In 1816, the American Colonization Society was organized for the purpose of colonizing free Negroes in Africa or such other places as Congress might "deem expedient". By 1830 this plan had become so popular as to receive the support of several of the state legislatures. Prior to 1826, and again in 1828, the legislatures of Maryland, Virginia, Tennessee, Ohio, and Indiana had officially approved the colonization program as carried on by the Society. This movement was heartily endorsed by the Massachusetts and Connecticut convention of Congregational clergy, and by the Ohio Methodist Conference. One of the general agents whose territory in 1826 included the State of Ohio, reported that "among the members we number the Governor, Auditor, and Treasurer of the State, Speaker of the Senate, a considerable number of Sena-

¹⁷ Frederic Turner, "The Old Northwest", American Historical Association's Annual Report for the Year 1896, Vol. I, Washington, D.C., 1897, 47.

¹⁸ Ibid., 48.

tors and Representatives, respectable and influential citizens . . ."19

Opposition to this movement was fast rising. The agents of the Society held up their program to the North as an anti-slavery measure while to the South, it was presented as a safeguard for slavery in that it would rid the country of the disturbing element of "free blacks". Many who had been staunch supporters of the Society denounced this shifty policy; others felt that the past years had shown the futility of the plans, and the more practical were discouraged at the enormous expenditures already incurred. To these, abolition with its consequent education of the Negro, seemed the only just and feasible solution, and to this end they bent their efforts.

It must not be thought that the mass of people in the North were abolitionists. On the contrary, there was an intense prejudice against the Negro, as evidenced by the many "black codes" of the various states. Yet in almost every community, there were some few who objected to slavery on moral and religious grounds. This was particularly true of the Quakers.

It was Benjamin Lundy, a Quaker, who in 1815 organized the Union Humane Society in Belmont, Ohio, and who in a short time had organized several such societies throughout the state. A few years later, another Quaker, Charles Osborn of Mt. Pleasant, Ohio, edited the first issue of the Philanthropist, the first anti-slavery paper. In 1826, the first recorded anti-slavery meeting in Columbiana County was held in New Lisbon. Truly the Quaker Society had become an anti-slavery organization.

19 Early Lee Fox, "The American Colonization Society (1817 - 1840)", Johns Hopkins University Studies, Series XXXVIII, No. 3, the Johns Hopkins Press, Baltimore, 1919, 81.

In 1834 the American Anti-Slavery Society took actual shape and began its formal agitation. William Lloyd Garrison, who in 1831 published the first number of the Liberator, became the leader of that section of the Society which was later to become radical. It was through Garrison and his publication that many were won to the American Anti-Slavery Society from the ranks of the Colonizationists. While it must not be supposed that William Lloyd Garrison alone conquered the spirit of the Northwest and the Northeast, it must be granted that he and his paper "had accomplished very well one thing, the consolidation of the Northeast and then the Northwest into an aggressive sectionalism."²⁰

The movement was slow and not truly national in character. The response throughout the North to the doctrine of abolition was one of riotous "hostility".²¹ In an effort to placate this "hostility", the Society propagandized by means of pamphlets, journals, and traveling agents. It was the latter device which proved the most effective in Ohio, Indiana, Illinois, and Michigan.

The year 1835 was a very significant one in the history of Ohio as well as in that of the anti-slavery movement. It was during this year that the Ohio State Anti-Slavery Society was formed. In addition, Oberlin College became the training camp for the future abolitionist leaders and through them the doctrines of the Society were carried into every village and hamlet.

The conversion of the student body of Lane Seminary to the anti-slavery doctrines by Arthur Weld in 1834 led the authorities of the school to forbid

²⁰ Ibid., 139.

²¹ Harris, 59.

the formation of any anti-slavery societies within the school, and to forbid the students to participate in any way in the movement. Several of the students withdrew and went to Oberlin where they and their doctrines were well received. Here Weld continued to exert his influence by preparing these young seminarians by two- and three-week courses in the anti-slavery doctrines. In such an atmosphere it was most natural that the doctrines would emphasize the sinfulness of slavery which gave to the zealot the appearance of a crusader.

Garrison's proposals, since he had by this time become radical, not only aroused much hostility within the Society, but likewise antagonized the general public which up to this time had not formed any definite opinion on the question. These young clergymen came face to face with a belligerent public. Even the churches split on the question. In 1836 the Methodist Episcopal Church censured members for having lectures in favor of abolition, and the Ohio Conference urged "resistance to the anti-slavery movement." The New York Conference refused to permit any one to become an elder unless he first gave a pledge to refrain from agitating the subject. In 1838 the Presbyterians and in 1844 the Methodists and Baptists divided on the question of abolition. It can be seen from these instances that the path of the abolitionist, even at this late date, was not an easy one.

The Michigan State Anti-Slavery Society was formed in 1837. Illinois in that same year could boast of only one such society with a recorded membership of sixty-five. Two influences, however, were at work to aid the abolitionists in the conversion of the Northwest. When the Southerners began to defend the institution of slavery, the abolitionists either emigrated to

the North or were silenced. The spirit of persecution followed them, and when this persecution broke out in violence, many who witnessed such outrages were won to the cause of the abolitionists, seeing in such violences an attack on the rights of a free man. Such were Salmon Chase and Joshua Giddings, who were later to lead Ohio politically in her anti-slavery campaign. The murdering of Lovejoy in 1837 in Alton, Illinois, had a similar effect on the anti-slavery sentiment of that state.²²

The second influence was the Underground Railroad, an institution for the liberation of fugitive slaves. Though its origin is obscure, the generally accepted opinion is that it originated with the Quakers of Pennsylvania. Levi Coffin and Thomas Garrit are credited, if not with its creation, at least with its rapid spread. A line as early as 1816 is said to have extended through Ohio into Canada, and in a few years, similar lines were working in Illinois, Indiana, and Iowa. There is no reliable source on the number of fugitives thus helped to freedom, and the guesses vary from 40,000 to 80,000.²³ The slave catcher in his attempt to regain the fugitive, presented the Southern planter in an odious light to the Northerner, and became the object, first of his contempt and scorn, and later of his hatred. It was this new-born hatred, enkindled by the human sympathy aroused at the sight of the terrified runaway Negro, that engulfed the old hatred toward the abolitionist to such an extent as to make converts eventually of these

²² Harris, 125.

²³ Wilbur Siebert, "The Underground Railroad for the Liberation of Fugitive Slaves," Annual Report of the American Historical Society for the Year 1895, Gov't. Printing Office, Washington, 1896, 339.

former anti-abolitionists. Isolated as they were, these events happened with such frequency that gradually, almost unknowingly, the North was being welded into an anti-slavery bloc. This was not at all evident in the early 1840's for the moral and religious side of slavery alone was being emphasized. Not until the 1850's when the economic and political opposition to slavery joined with the religious opposition did the Old Northwest become a consolidated anti-slavery section.

The decade following 1840 gave birth to many issues so sectional in character that by the end of the period, it seemed inevitable that the country would be torn apart by civil war unless some preventative could be found. As a result of the Mexican War the South hoped to acquire more slave territory, but California, part of the booty, had adopted a free constitution and was applying for admission as a free state; New Mexico, seeking a territorial government, had expressed a desire to be free, and although David Wilmot's attempt in 1846 to exclude slavery forever from the territories had been defeated, the South feared its eventual success. There was a decided sentiment toward abolishing the slave trade and slavery in the Capital, on the grounds that such practices were incompatible with the fundamentals of democracy, and a bill was passed by a vote of 98 to 88 instructing that a committee be appointed for the District of Columbia to draw up a bill prohibiting the slave trade. The issue which aroused the greatest antagonism concerned the return of fugitive slaves which had been provided for under the Act of Congress of 1793. By public acts since 1831 the North had prevented the enforcement of this law. The underground railroad had been so active since 1843 that by 1850 it had made unprofitable (if not impos-

sible) the return of a slave, and the Southern slaveholder demanded, in justice, a more stringent fugitive slave law whereby he might successfully recover the runaway.

All these problems and the discussions arising from them, together with the failure of Congress in the session of 1848-49 to solve them, helped to bring matters to a very critical point by January of 1850; and into the arena at this moment stepped Henry Clay, a slaveholder from a slave state, fully convinced that his was the task of bringing order out of chaos if the Union was to be saved. On the 29th of January, he introduced in the Senate a series of resolutions, the solution for each of the burning questions, which were intended to be a basis of compromise, and whose object was to secure "the peace, concord, and harmony of the Union."

For months Congress debated and wrangled over these resolutions, finally turning them over to a Committee of Thirteen in hopes that a smaller group might successfully prepare them for passage.²⁴ This committee presented the famous "Omnibus Bill", but Congress was much too divided to handle so cumbersome a carry-all, and eventually nothing was left but that section which dealt with Utah. The other measures had to be treated separately, and in this manner, with the spirit of compromise prevailing, the burning issues were met, and apparently the country settled down to a period of peace and harmony.

²⁴ Never in the history of our country have there been present in Congress during the same session personages so great as Henry Clay, John Calhoun, and Daniel Webster. The debates in which these men participated are masterpieces in logic and oratory. These have not been treated in detail, since it is the purpose of this work to deal only with those events peculiar to the Northwest.

CHAPTER II

REACTION TOWARD CALIFORNIA AS A FREE STATE

The first provision of Clay's Compromise purported to solve the irritating question resulting from the ceding of California to the United States by Mexico according to the terms of the treaty of Guadalupe-Hidalgo, on February 2, 1848. This acquisition of California and her final admission into the Union is a unique chapter in the annals of our country.

Attempts to purchase California from Mexico had not met with success and their failure served to whet the appetite of the expansionist who became more determined to acquire California, even should this necessitate war. When war broke out between United States and Mexico over the Texas boundary, we proceeded to conquer California, a task comparatively easy as the Californians were eager to throw off the Mexican rule. As a result, California in the beginning of 1847 was under the military rule of our government though still a bit of Mexican territory; and as a conquered province, had to submit to the government set up by the conquerors. It is this which makes her case so unusual.

These "conquered" felt themselves equal to their conquerors and entitled to self-government, for were they not of the same nation, and had they not made the conquest a simple task by their willingness and cooperation? The completion of the peace terms gave rise to the question of the legal status of California: Was it a conquered province or was it entitled to that freedom enjoyed by the rest of the United States?

Of necessity a military rule had been set up in 1847, but the natives had been restive under it, and when in the winter of 1849 great numbers of miners returned to the cities, the dissatisfaction grew, and insistent demands for government were made. Plans were laid in December of that year for a mass meeting to be held the following May to initiate self-government. This meeting never materialized, for in April, General Riley landed with troops at Monterey to take over the de facto government supposed to be in existence. When he learned that Congress had adjourned without organizing California as a Territory, General Riley ordered the election of thirty-seven delegates to frame a state constitution or plan of territorial government.¹

The constitution was drawn in September and contained a clause forbidding slavery. This clause had been adopted without a dissenting vote.² On submission to the people the constitution was ratified, and by the end of the year, state officers, a legislature, and two members of Congress had been elected, and Peter Burnett had been duly inaugurated as governor. When the 31st Congress convened, it was not a plaintive, unorganized California that stood before it, petitioning a territorial government, but a new and dignified California; a California organized and fitted with a constitution approved of by its people, asking the dignity of statehood.

That the previous Congress had failed to provide a government for California was not because the issue had failed to command attention; on the

¹ Josiah Royce, California From the Conquest in 1846 to the Second Vigilance Committee in San Francisco, Houghton, Mifflin and Company, Boston, 1888, 61l.
² Hubert H. Bancroft, History of California 1848 - 59, The History Company, Publishers, San Francisco, 1888, Vol. VI, 288.

contrary, it had been one of the most absorbing questions before the two Houses. In an effort to meet the demands of California for some form of government, several bills had been introduced during the session of 1848 - 1849 all of which were in opposition to the counsel of Polk, who had advocated a policy of non-intervention. On December 18, 1848, the Senate rejected Douglas' bill which proposed that California be referred to the Committee on Territories, of which he was chairman, and turned the matter over to the Committee on the Judiciary. Two days later, Smith of Indiana reported a bill to establish Territorial Government for Upper California containing the principle of the Northwest Ordinance. The following months were taken up with debates on these measures without any results save the arousing of bitter sectionalism.

The question again appeared a short time before the adjournment of this 30th Congress, in the form of a rider to an appropriation bill. This amendment, offered by Senator Walker of Wisconsin, proposed the extension of the Constitution and laws of the United States to the territories.³ The House, insistent upon its own bill to organize a territorial government prohibiting slavery, adjourned refusing to act on the amendment.

In March, 1849, Zachary Taylor, the new President, was inaugurated. Hoping to avoid not only the aggravation of sectionalism, but a repetition of the inactivity of the previous Congress, Taylor undoubtedly gave his tacit approval, if not his direct help to California in framing her constitution.

³ James F. Rhodes, History of the United States Since the Compromise of 1850, Macmillan, New York, 1928, Vol. I, 77.

Taylor felt that a California already organized with the slavery question definitely settled would greatly simplify matters for the national legislature, and in a message to Congress, he recommended that California be admitted as a state.

Taylor's conjectures were wrong, for the organized California presented new angles for discussion, and proved to be equally as difficult a problem to solve as had been the unorganized territory. Just what was the legal status of this new California? Was she to be admitted as a state and with her free constitution without having gone through the territorial stage? Was her government legal? Had the President interfered in any way with its formation? These were the weighty questions raised by the pro-slavery men who hoped by discussion of such technicalities to forestall any action of Congress on this matter until the threat of the Wilmot Proviso was forever removed. Concerning the legal status of California, Royce states:

. . . What was the actual legal status of the territory of California after the treaty of peace? The settler's theory . . . said . . . the treaty of peace had deprived the military governor of his legal powers . . . California was a part of the United States territory. In the absence of congressional action, the people had a right to meet and legislate at their pleasure. . . .⁴

The slave forces could not deny that California was free by the choice of her citizens, nor could they fail to realize the futility of attempting to change this choice. It was inevitable that California would be admitted, and as a free state. Determined, however, to insure their interests in those

⁴ Royce, 247-248.

territories as yet unorganized, these powers proceeded to block all legislation on California until it was definitely settled that New Mexico and Utah would be open to slavery.

"There was a large majority of the members of the House in favor of the admission of California, but part of this majority were Southern Whigs who were opposed to her admission until the territorial question should be adjusted."⁵

The admission of this new state was to be made dependent upon the settlement of the territorial question, and a settlement favorable to the South. On the other hand, the objective of the free states was to admit California avoiding any of the territorial obligations.

As Rhodes says, "When Congress met on the first Monday of December, 1849, the vastly preponderating sentiment in the free States was that California should remain free territory."⁶

On December 27, Foote submitted a resolution saying it was the duty of Congress to establish a suitable government for California, and the same day, Senator Clemens requested the President to inform Congress to what extent he had encouraged the people of California to frame their constitution. Senator Foote, on January 16, introduced a bill for the organization of a Territorial Government for California, Deseret, and New Mexico.⁷

Each of these resolutions, with the California message of the President,

⁵ George Harmon, Douglas and the Compromise of 1850, Lehigh University Publications, Bethlehem, Penn., 1929, Vol. III, No. 7, 25.

⁶ Ibid., 116.

⁷ Harmon, 15-18

occasioned further debates until in the hopes of averting the oncoming storm, Clay, on the 29th of January, introduced his famous resolutions. The first section of these dealt with California resolving:

That California with suitable boundaries ought, upon her application, to be admitted as one of the States of this Union, without the imposition by Congress of any restriction in respect to the exclusion or introduction of slavery within those boundaries.⁸

It had been the current opinion early in January that California would be admitted. The Washington correspondent of the New York Evening Post wrote "that there is at least a majority of two in the Senate for the admission of California without an alteration of her present constitution. In the House, there is a majority of at least sixty. There is a good prospect of the settlement of the whole question as to California before the first of March next."⁹ This proved to be a poor prophecy, for the attempt of Clay to unite the California issue with those of New Mexico, Utah, and Texas brought forth a new outburst of indignation.

Early in February Douglas offered as a plan of compromise a bill to admit California with limited boundaries; and to offset this free state of California to admit a new slave state carved from Texas. This was severely criticized and emphatically rejected by the North.¹⁰

Representative Doty of Wisconsin endeavored to bring matters to a head in

⁸ Henry Steele Commager, editor, Documents in American History, F.S. Crofts and Company, New York, 1940, 319.

⁹ Chicago Daily Democrat, January 11, 1850.

¹⁰ Chicago Weekly Journal, February 18, 1850.

the House on February 16, by offering a resolution instructing the Committee on Territories to report a bill for admission of California under the Constitution.¹¹ The southern group in the House was powerful enough by resorting to filibustering to forestall any vote on Doty's resolution.

In April, when Clay's resolutions were referred to the Committee of Thirteen, the California men made greater efforts to pass California as a single bill. The fate of the "omnibus" had been decided by the end of July; nothing remained of it save that portion pertaining to Utah. Again it was Douglas who introduced a bill for the admission of California, only to have the Texas and New Mexico Bills interposed by the South. On August 13, a division on the California bill in the Senate was finally held, and the following day a protest against her admittance, signed by several southern Senators was presented in the Senate.¹² Not until late in September did the bill to admit California come up for action. It had been delayed almost seven months, while New Mexico, Utah, the Texas Boundary bills, and the fugitive slave law had been passed. Although the President had sent copies of the Constitution of California to the two Houses of Congress on the 12th of March, the vote in the Senate had been postponed until the 13th of August when all the Senators from the free States voted for it. The vote in the House was taken on September 8, 150 yeas to 56 nays -- with forty of the affirmative votes coming from the Northwest.¹³

In the early stages the debates had followed rather technical lines cen-

¹¹ Chicago Daily Democrat, February 20, 1850.

¹² Cong. Globe, 31st Cong., I Sess., 1573.

¹³ Ibid., 1772.

tering in the legality of the proposed constitution, the avoidance of the territorial stage, and the part the President had taken in the formation of this state. As the strategy of the South in the ensuing months became less obscure, the discussions and arguments became concentrated on a "single bill for California." The South took an inflexible stand that California would be voted in only after New Mexico and Utah had been provided for, and in the face of this, the tone of the free states became either one of unflinching opposition or one of conciliation.

As was all the North, so was the great Northwest for the admittance of California with her free constitution, as can be seen by the instructions to her legislatures, and by the speeches of her congressmen. Early in February, Indiana, Wisconsin, and Ohio instructed their congressmen to vote for the immediate admission of California, and on the 19th of March, a resolution was passed by both branches of the Michigan legislature instructing the "Senators and Representatives to vote for the admission of California as a state of this Confederacy to be governed by the constitution which her people have selected to present for that purpose."¹⁴

It is in the speech of Senator Chase of Ohio on the immediate admission of California and as a single bill that one finds that unflinching opposition to the demands of the South. Addressing the Senate on March 27, he said:

It is not now a matter of dispute whether California shall or shall not be admitted to the Union. That question is settled. No one doubts that California is to come in with the boundaries she has claimed,

¹⁴ Chicago Daily Journal, March 19, 1850.

and with the constitution she has adopted. . . . Under existing circumstances, however, I desire to see California come in as she is, without restriction and without delay.

In reference to the precedence of the New Mexico and Utah bills over that of California, he went on to say:

But it will be insisted that the territorial bills for Utah and New Mexico shall have precedence of the California admission bill . . . for one, I will not consent to change the order in which the bills are reported by the committee.¹⁵

A majority of the Ohio delegation in the House spoke on this subject. Crowell, Giddings, and Taylor all stated their desire for the immediate admission of California with no change in her constitution. It was in his speech upon the Texas boundary that Giddings touched upon California. He said:

It was our wish to have disposed of the California bill at an early day, and in the ordinary course of legislation. . . . Never has the indecision, the timidity of northern members been more conspicuously manifested than on that bill . . . Never has any bill before this body been so long delayed as that admitting California . . . We have awaited the action of the Senate: they have sent us a bill establishing a civil government in Utah and this bill to establish the boundaries of Texas and New Mexico . . . and we are told plainly that if we pass these bills, we may then take up and pass that admitting California. But we are also assured that if we reject these bills, California shall not be admitted . . . I feel conscious that I could offer my constituency no greater insult than to vote for this bill. I shall not do it.¹⁶

¹⁵ Cong. Globe Appendix, 31st Cong., 1st Sess., 1128.

¹⁶ Ibid., 1128.

L. D. Campbell could see no benefit in delay. Early in February he said, "The question must be met, . . . if not in giving territorial law, upon the admission of States . . . California is knocking at our door for admission as a state."¹⁷

Root was "willing, ready, and desirous to have her recognized as a State with her boundaries as they are . . . notwithstanding any irregularities that may have attended those transactions."¹⁸

The speech of M.B. Corwin of April 9 was one of the best, dealing forcefully with those arguments against the legality of California's constitution and the maintenance of the equilibrium of free and slave states in our Union. Concerning the question of legality, Corwin said:

It is urged by those opposed to the admission of California that the practice of the General Government always has been to establish territorial government in the first place, and that afterward . . . to admit the Territory as a State into the Union, and that inasmuch as California has not passed through the course of discipline, she must be sent back to commence her work "de novo". I admit this course has prevailed to some extent in our new territories, but I deny it has been the invariable practice of the government in all such cases.

Here he cited the instances of Michigan and Tennessee to prove his point. He continued:

We must admit them as a State or signally fail to perform our duty, as the last Congress most unquestionably did in not granting to them a territorial

¹⁷ Ibid., 177.

¹⁸ Ibid., 106.

government which they then asked for.

As for the equilibrium of free and slave states, Corwin held:

No such principles are found in the Constitution. Be it remembered, that at the time of the adoption of the Constitution a majority of the States were then free States. Let it also be borne in mind that in the territory northwest of the Ohio . . . slavery was prohibited by the ordinance of 1787, which was recognized, and its binding force reenacted by the first Congress assembled after the adoption of the Constitution. Nor will any sane man seriously contend that an equilibrium of the free States and the slave States was contemplated . . . The idea is preposterous.¹⁹

When in July it looked as though no decision on the California bill would be reached, Edson Olds stated:

I concur, sir, . . . that the vote just taken to lay aside the California message is significant of the fate of the California bill. . . . In accordance with what I conceive to be the fixed opinion of those I have the honor to represent, I have sought to facilitate every move since the commencement of the session, which looked towards the consummation of this measure; and I now say that I am prepared to sit here night and day and vote upon every question of order.²⁰

The Wisconsin delegates put their words into action. Senator Walker's amendment of March 6, 1850, contained the proposition: that slavery does not only exist by law, but that it has been abolished and prohibited, and cannot be carried into California and New Mexico without a positive enactment for that purpose.²¹

¹⁹ Ibid., 434.

²⁰ Ibid., 946.

²¹ Ibid., 277.

Representative Doty had offered a resolution on February 18 that the committee on Territories be instructed to report a bill providing for the admission of California into the Union on equal footing with the original States.²² His colleague, Charles Durkee, some time later when speaking on the California question, urged the passage of Doty's resolution:

. . . I am therefore of the opinion that the Constitution of the United States is an anti-slavery and not a pro-slavery instrument.

What then, . . . ought we to do? Why, sir, report the bill of my colleague providing for the admission of California, without delay, and then put it upon its immediate passage.

. . . Sir, when I reflect upon the hardships and sufferings of the early pioneers of California . . . and the hesitation and delay of Congress to recognize in her the great American principle of self-government, I am ashamed of my country.²³

Senator Cass of Michigan, although a staunch supporter of the compromise scheme sanctioning the passage of the territorial bills before that of California, could find no fault with the action California had taken. In defense of their de facto government, he said:

Their de facto government was necessarily derived from themselves and depended on themselves, till their relation was defined by the action of Congress. And under these circumstances can it be seriously contended that they had no right to come here and ask admission into the Union, and that we ought to reject them because they had not a territorial government.²⁴

²² Chicago Daily Democrat, February 20, 1850.

²³ Cong. Globe Appendix, 742.

²⁴ Ibid., 1530.

K.S. Bingham in the House made light of the threats of dissolution and considered that:

The Union is in no danger. The will of the majority must be obeyed; the free soil of the country must be preserved as the inheritance of the free laborer and his children . . . the free State of California must be admitted.²⁵

Those representatives of Indiana, where anti-slavery sentiment was at a comparatively low ebb, could find no reason for rejecting California. Whitcomb, while not undertaking to speak for the people of Indiana, was

. . . satisfied they will make no other inquiry of a new state seeking admission into the Union than, Does she present herself according to the solitary requirement of the Constitution of the United States . . . that is, with a State constitution republican in form . . .

No, Mr. President, it comes with an ill grace from us to charge as an error that California had not a territorial government before she formed her State Constitution. Manifestly it was the fault of Congress.²⁶

In the House on March 12, Gorman of Indiana spoke at length on the California bill. In conclusion, he said, " . . . allow me to say, that my people, who have so generously intrusted me with their confidence, if they were now to speak would say, admit California into the Union."²⁷

Fitch had scored a good point a month before when he asked whether or not "this resistance to the admission of California be an attempted inter-

²⁵ Ibid., 732.
²⁶ Ibid., 1553.
²⁷ Ibid., 321.

vention? Yet for the same intervention the North is to be anathematized."²⁸

Senator Jones of Iowa, although for the ultimate admission of California as a State, desired that it should wait until the territorial question be settled. Addressing the Senate, he stated:

The people of the Territories are quite as much, and in my opinion, more in need of the fostering care of the parent Government, than those of California are, they now having an organized government, and the number and strength to support themselves.²⁹

No man, not even the great Clay, had worked harder to secure a form of government for California than had Stephen A. Douglas of Illinois. As chairman of the Committee on Territories, Douglas was in a position to initiate such bills and wielded considerable influence. Yet his California proposals were rejected time and again. When the Committee of Thirteen used the original bill of Douglas, with some alterations, in the famous Omnibus, it was with the consent of the Senator. And after the "carry all" had been smashed, save for that section dealing with Utah, it was Douglas who again picked up his bill, changed it back to the original form and steered it through Congress.

Douglas made only two outstanding speeches on this issue, one in defense of popular sovereignty, the other in defense of a "free California".

It was on February 12 that he defended his favorite theory by stating:

I have opposed the Wilmot proviso on other grounds . . .

28 Ibid., 139.

29 Ibid., 1710.

I have always held, and hold now, that if the people of California want slavery they have a right to it, and if they do not, it should not be forced upon them. They have as much right as the people of Illinois or any other State to settle the question for themselves.³⁰

The following month, he again took the floor declaring:

Had I been a Californian with a voice in the convention, I should have advocated the creation of three states, instead of one, within the limits they have prescribed. . . . I think that the people of California have made a mistake in this matter . . . a mistake, if it be one, which affects them and not us. . . . The Union will not be in peril; California will be admitted; governments for the territories must be established; and thus the controversy will end, and, I trust, forever.³¹

The other Illinois Senator, Shields, expressed himself in favor of the immediate admission of California as an independent measure. Of the opponents of the bill he said:

I cannot conceive what advantage they expect to derive from the rejection of California. . . . Whether California is a state or a territory, whether it has any government or no government, no southern slave owner will ever venture to carry his slaves to that country. The people of California are working out a great social problem . . . to make labor . . . hard, dignified labor, respectable. . . . But do you think the people engaged in this work will suffer themselves to be jostled by slaves? No, sir, never.³²

³⁰ Cong. Globe, 343.

³¹ Cong. Globe Appendix, 375.

³² Cong. Globe, 648.

T.L. Harris, Representative, dwelt at length on the admission of California. He did not care whether the bill was a separate measure or combined with other measures provided they were "not in themselves utterly odious." In reply to the charge that President Taylor had interfered in the formation of the constitution, he said:

It is objected to the admission of California, that the President has improperly interfered in the organization. . . . The organization of government in California was the work of the people, urged by the necessity which existed from the neglect of Congress. If the people have a right to govern themselves, they have a right to originate government. The people of California have nobly exercised that right, and now ask Congress but to confirm what they have done.³³

W.A. Richardson was of the same mind as Harris in regard to the passage of a separate California bill. Regarding the legality of California's constitution, he maintained:

. . . it is said that California should not be admitted, because the wishes of the people there were shifted upon the subject of slavery; and it is gravely said that the formation of the constitution has been hurried. . . . The time, sir, has gone by when slavery can be carried and established in new countries.³⁴

On August 2, Representative Wentworth made the statement:

The committee would bear witness that by no act and by no word of his, had the admission of California

³³ Cong. Globe Appendix, 410.
³⁴ Ibid., 423.

been retarded for a single moment. From the commencement of the session, he had been for action, and against all discussion. . . . Tongue-tied, he had wrought with all his energies to hasten the admission of California.³⁵

A few days later, he offered the following resolution:

Resolved, That Congress ought not to fix the day for adjournment of the present session until the California question shall be disposed of and the appropriation bills passed. The resolution was adopted by a vote of ninety-nine yeas to eighty-three nays.³⁶

It was McClernand who departed from the usual course of the Illinois representatives on the California question, by accusing those who would have the bill passed separately of doing so in order that they might apply the Wilmot Proviso to the Utah and New Mexico bills. As for the stand the people in his own state would take in this regard, he said, "A large, an overwhelming majority of the people of Illinois are in favor of settling this whole question at the same time and by a common act."³⁷

Although some of the papers downstate praised his speech, the Chicago Weekly Democrat disavowed "any affiliation with Representative McClernand's sentiments denouncing the single bill for California."³⁸

Since the great statesmen of the day had seen fit to link the California question with that of the territories, it follows that the expression of pub-

³⁵ Chicago Daily Democrat, August 2, 1850.

³⁶ Ibid., August 8, 1850.

³⁷ Cong. Globe, 144.

³⁸ Editorial in the Chicago Weekly Democrat, August 10, 1850.

lic opinion on one is to be found with the others. Those memorials, mass meetings, resolutions of legislatures and political parties recorded in the following chapter in reference to New Mexico and Utah, all contained provisions concerning California.

The petition sent to Wentworth from citizens of Wheeling, Illinois, prayed that he "may vote for the admission of California as a state into this Confederacy . . . with her present Constitution and boundaries . . . that you may vote against all California admission bills . . . unless it expressly provides in said bill . . . that slavery shall be forever prohibited."³⁹

The resolutions of the Ottawa mass meeting held on March 14 carried a veiled threat to those who did not support the California measure. It was resolved among many things:

That we are in favor of the immediate admission of California as a State, with the boundaries prescribed by her present constitution. . . .

That our Representatives and Senators in Congress are our organs in the councils of the nation, and if they speak and sustain the sentiments above, we will stand by them; and if they do not, we want them to come home, that we may send those that will.⁴⁰

The resolutions adopted at the meetings held in Fort Madison and Keokuk, Iowa, advocated the admission of California. The Fort Madison meeting endeavored to clear the North in the eyes of the Californians by condemning those Northern representatives who failed to support the California measures,

³⁹ Chicago Daily Democrat, June 8, 1850.

⁴⁰ Ibid., March 20, 1850.

justifying their condemnation by resolving that "It is due to the Representatives from the State of California that they should know how the people of the North look upon men who oppose their admission."⁴¹

Another meeting held in Marion, Iowa, on April 1, resolved "That it is the duty of Congress to immediately admit California, as a State, into the Union, with her present Constitution and boundaries."⁴²

The Whig State Convention called at Columbus on May 6, adopted the following resolution: "That we cordially approve the recommendation of President Taylor's message in favor of the immediate admission of California, and that Congress should admit the new State independent of and disconnected with any other proposition."⁴³

The Democrats of Ohio in their State Convention on July 4 adopted the following: "Resolved: That we hail with high satisfaction the action of the people of California . . . , in the formation of a Government for themselves, and we insist on their admission into the Union, with the Constitution they have adopted without delay."⁴⁴

The Chicago Daily Democrat advocated the admission of California as a single bill devoting numerous articles and editorials to this subject. On April 6, it criticized Douglas severely for his tendency toward compromise, and on August 10, rebuked Colonel McClelland who, in a speech in Congress, attacked those Democrats who supported the California Single Bill. The

⁴¹ Letter to the Editor, National Era, April 1, 1850.

⁴² Chicago Daily Democrat, March 20, 1850.

⁴³ New York Tribune, May 11, 1850.

⁴⁴ Chicago Daily Democrat, July 30, 1850.

editorial of that day said in reference to the speech McClernand had made, "It is too late for any man to attempt to read the California Democrats of Northern Illinois out of the democratic party. There would be no party left when they were gone."⁴⁵ Early in January the following editorial appeared in the Democrat:

The application of California for admission to the Union with a constitution prohibiting slavery, although in accordance with the States' Rights doctrine as formerly so strenuously maintained by the South, now meets with an unqualified opposition from the southern members of Congress. . . . They denounce what in former times was the corner stone doctrine of the temple of their political creed.

. . . we would like to know how the rights of the States can be invaded by the admission of California with a clause prohibiting slavery.⁴⁶

And on May 18, an editorial was devoted to the speech of Clay. It read:

California is to be permitted to remain free if the territories of New Mexico and Utah may be opened to slavery. But California is free; free by her own act . . . as free as Illinois, and Mr. Clay might as well have said in turn, that, whereas Illinois is free, therefore New Mexico and Utah shall be slave.⁴⁷

The Chicago Weekly Democrat of February 18 discussed the resolutions of Senator Douglas, and did not treat kindly of them. It said:

The resolutions of Senator Douglas . . . fall very short of what we had a right to expect at the hands of any northern Senator, and we think it will prove most unacceptable to a large majority of his consti-

⁴⁵ Editorial in the Chicago Daily Democrat, April 10, 1850.

⁴⁶ Ibid., January 26, 1850.

⁴⁷ Ibid., May 18, 1850.

tuments. That it should be thought necessary to throw into the scale a slave State to balance California, which comes in voluntarily free, and that Congress should carve out of free territory such an one, is a project which we think the people of Illinois can never consent to . . .⁴⁹

The Chicago Weekly Journal of February 4 supported the Compromise and attempted to defend Clay stating that:

It is expected that anyone who takes the office of mediator between the North and South will meet with denunciation and misrepresentation. Mr. Clay's life-long devotion to the Union will not save even him, when laboring to preserve it now. . . .

California is already free -- the new territories will become so. While slavery is not extended, the country will be satisfied and the Union preserved.⁵⁰

The Lockport Telegraph on May 15, praised the California speech of Senator Shields declaring, "He speaks like a true democrat and an honest man."⁵¹

The Journal and Messenger, a religious paper published in Cleveland, deplored the state of affairs in a Congress which "seems still to be in a very divided and irresolute state about California and kindred topics. California, in the meantime is becoming impatient, and begins to talk of independence. . . ."⁵²

The National Era quoted on January 31 the following article from the Indiana State Sentinel:

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- 49 Editorial in the Chicago Daily Democrat, February 18, 1850.
50 Chicago Weekly Journal, February 4, 1850.
51 Lockport Telegraph, (Illinois), May 15, 1850.
52 Journal and Messenger, (Cleveland), June 14, 1850.

There are comparatively fewer Abolitionists in Indiana, than in any other free State, yet the sentiments expressed by this writer will be affirmatively responded to by nine tenths of our people: "Dissolve the Union -- because you cannot make California and New Mexico the inheritance of Slavery! You dare not -- must not -- cannot -- shall not do it."⁵³

The Northwest without exception in Congress, in state legislatures, in conventions, mass meetings, and in the press, advocated the admission of California as a free state, but in the face of the question whether California should be handled separately or coupled with New Mexico and Utah, there was no such unanimity of opinion. When the uniting of the issues proved impossible and each was to be handled independently of the other, the Northwest then divided on the question of conciliating the South by giving precedence to the territorial bills over that of California. However, as in the other sections of our country, so in the Northwest, the spirit of compromise prevailed, as much through the great pressure brought to bear by political parties as by the desire for peace, and the South was conciliated while California waited for the action of Congress until the territorial question had been settled satisfactorily to the South.

CHAPTER III

REACTION TOWARDS LEGISLATION AFFECTING NEW MEXICO AND UTAH

To understand fully the great significance of that section of the Compromise dealing with the Territories of New Mexico and Utah, it is necessary to go back to August, 1846, when a bill was before Congress for the appropriation of two million dollars to be used to make peace with Mexico. "All knew it was for further negotiations for more land."¹

David Wilmot of Pennsylvania introduced an amendment to the bill that, "as an express and fundamental condition to acquisition of any territory from Mexico by the United States, slavery should be forever excluded."² The bill in a modified form passed but the amendment was defeated. Yet it is with this amendment that the question or subject of the Territories is concerned, for in it were revealed at work those forces which gradually developed a consciousness of sectional grievances. It was defeated because political leaders of both sections of the country felt it more opportune to discuss the extension of slavery at the time the territory to be acquired was admitted. The Wilmot Proviso, however, seemed to the South symbolic of the plans and intent of the North, and the possibility of its passage in some form loomed so large that the South became very vigilant in safeguarding her rights. The

¹ Cleo Hearon, Mississippi and the Compromise of 1850, U. of Chicago Press, 1913, 20.

² Cong. Globe, 29th Cong., 1st Sess., 1217.

North, on the other hand, apparently tucked the Proviso away, but adopted it as a principle upon which to stand when the proper time should come. That "proper time" came in December of 1848.

California, Utah, and New Mexico were seeking territorial governments preparatory to statehood. The people of these territories evidenced a desire for free labor; and the South feared that because of her peculiar institutions she would be barred from expansion into and development in these regions. Such a condition seemed unjust, and the means by which such an end was to be secured, an outrage. Marshalling her forces against the probable insertion of the hated Wilmot Proviso, she girded herself for the struggle. We, looking back, can readily see the unnecessary provocation to the South, should the spirit of the Wilmot Proviso regulate slavery in the newly acquired lands. Yet, to the people of '46, '47, '48, and '49, the formal prohibition of slavery in a territory seemed a vital and practical question, and a natural prohibition, obscure and ethereal.

President Polk in his message to Congress in 1848 was very outspoken on the duty of Congress promptly to provide territorial governments for New Mexico and California. He likewise stressed the necessity of a spirit of compromise and set forth the following possibilities of solution:

Leave the question of slavery to be answered by the people in each of the territories when they framed a Constitution; carry the Missouri Compromise line across the country from the Rio Grande to the Pacific, which he hoped would be done; or submit the

issue to the Supreme Court of the United States.³

This advice made no impression. Resolutions made to instruct the Committee on the Territories to report a bill or bills providing territorial governments for New Mexico, and California, and excluding slavery from each were voted upon, reconsidered, and finally smothered.

On the opening day of the session, Senator Douglas, Chairman of the Committee on Territories, gave notice of three bills to form the territories of Minnesota, Nebraska, and New Mexico, and a fourth to admit into the Union as the State of California all the territory acquired from Mexico. The Committee on the Judiciary, however, reported that the passage of these bills was inexpedient, and suggested territorial governments for California west of the Sierra Nevada mountains and for New Mexico west of Texas. Senator Douglas then offered a substitute, but in spite of his efforts to have it taken up, the Senate refused to consider it.

Senator Walker endeavored to place the territory under Presidential authority by offering as an amendment to a revenue bill a resolution to spread the constitution and certain revenue laws of the United States over the territory acquired from Mexico, giving the President the power to keep order therein.⁴ The Senate adopted the amendment but the House struck it out. Congress adjourned and California and New Mexico were left without any organized governments.

³ McMaster, 3.

⁴ Ibid., 5.

Congress may have adjourned, but its failure during the long session of 1848 to provide or set up the much-desired governments brought forth decisive action in the Northern and Southern states. Rhodes makes this point, stating:

It is indubitable that the Northern sentiment was imbued with the desire to check the extension of slavery . . . and the opinion prevailed that at the next session, the question would be settled, and there was little doubt of its settlement in a manner that would satisfy the Northern sentiments.⁵

This northern sentiment took the form of resolutions passed by the state legislatures favoring the Wilmot Proviso in one form or another. Ohio and Michigan passed such resolutions in 1847, and in fact by 1850 every one of the legislatures of the free states had sanctioned the power of Congress to prohibit slavery in the territories. The instructions to their representatives were so worded as to impress upon the South her need of adopting the best means possible to protect her domestic interests.⁶

Citizens in mass meetings, governors in their messages approved or condemned the principle of the Wilmot Proviso. The governor of Ohio believed that the people had unmistakably decreed at the last election, "that slavery must not be extended, and that New Mexico must remain forever free."⁷ The governor of Michigan, on January 31, 1849, denounced slavery as a political

⁵ Rhodes, 110.

⁶ Mississippi Free Trader, December 15, 1849.

⁷ McMaster, 1.

and moral evil.⁸

Nor were the legislatures of the Northwest backward in instructing their Congressional delegations on this matter. On January 23, 1849, the following resolutions were reported to the assembly at Madison, Wisconsin:

Resolved: by the Senate and Assembly of the State of Wisconsin, That chattel Slavery as it exists in the United States is contrary to natural justice . . . therefore its extension should be prohibited by every constitutional means within the power of Congress, and all national laws which establish, maintain, or in any way countenance or sanction its existence as a national institution should immediately be repealed.

And after a long discussion, the following passed the Senate by a vote of ten to six February 3, and the Assembly, by a vote of thirty-four to twenty-four on February 7:

Resolved: That our Senators in Congress be and they are hereby instructed, and our Representatives are requested "To oppose the passage of any act for the government of New Mexico and California, or any other territory belonging to the United States or which may hereafter be acquired, unless it shall contain a provision forever prohibiting the introduction of Slavery or involuntary servitude into said territories except as a punishment for crime."⁹

The legislature of Indiana again issued instructions to its Senators and Representatives on the slavery question in January of 1850. From a correspondent of the Lafayette (Indiana) Daily Courier of January 4, 1850,

⁸ Ibid., 2.
⁹ Loc. cit.

came the following statement:

We had a full expression of opinion in the House of Representatives with regard to the restriction of slavery in the territory recently acquired by the United States which resulted as you have already perceived by the city papers, in the engrossment of a joint resolution containing the principles of the Wilmot Proviso, or the Ordinance of 1787, by a vote of ayes 61 nays 31.¹⁰

On February 18, the Indiana State legislature instructed her two Senators, Bright and Whitcomb, to apply the Wilmot Proviso by issuing to them the following instructions:

Be it resolved by the State of Indiana, that our Senators in Congress be instructed, and our Representatives requested, so as to cast their votes, and exert their influence, as to have engrafted upon any law that may be passed for the organization of the territory recently acquired from Mexico, a provision forever excluding from such territory, slavery and involuntary servitude.¹¹

It was, however, only in the face of powerful opposition in both houses of the Michigan legislature during the session of 1849 that the supporters of the Wilmot Proviso succeeded in passing a resolution in favor of the principle of the Ordinance of 1787 and insisting that it was the duty of Congress to prohibit the "introduction or existence of slavery" in any territory "now or hereafter to be acquired." The other resolution instructed the Senate and Representatives "to use all honorable means to accomplish the object

¹⁰ Chicago Daily Democrat, January 4, 1850.

¹¹ Ibid., February 19, 1850.

expressed in the foregoing resolution."¹²

In Iowa, instructions to her Senators or Representatives to vote for the Wilmot Proviso passed the State Senate, but were laid upon the table in the House.¹³

President Taylor was inaugurated on March 4, 1849. During the ensuing months the territorial question became so complex as to cause one to despair of solution. California, restless under the inactivity of Congress, relied on her own resources, formed a constitution, and applied to Congress for statehood. It was evident that the South could not force California to change her constitution and permit slavery. But in an effort to hold open Utah and New Mexico to the Southerner and his slave, the South endeavored to tie up the admission of California with the non-restriction of slavery in Utah and New Mexico. The question of one was made to involve the settlement of the other. As for the underlying cause of friction, the Proviso, the South denied Congress the constitutional power to regulate slavery, thereby relegating the question to "State's Rights". Besides these phases, there was the most irritating of all -- rising from the claims of Texas to part of New Mexico. Those opposed to the extension of slavery strenuously objected to a dismemberment of free territory which would give additional acreage to the slave powers.

It was no wonder that by 1849, voices of the nation were heard in a hopeless babble, some supporting, others denouncing the Proviso; some loud

¹² Floyd Benjamin Streeter, Political Parties in Michigan, 1837-60, Michigan Historical Commission, Lansing, 1918, 96.

¹³ Rhodes, 107.

and violent attacking the claims of Texas; others demanding a separation of the California and New Mexico issues; while yet some others wrangled over the powers of Congress as granted by the Constitution. Yet in all, there was a thread of unity which divided the nation into two forces engaging in the death struggle which would eventually solve the fate of slavery.

The message of President Taylor to Congress, convened in December, 1849, was hopeful of a settlement of these issues, and contained suggestions for their solution. Since California was soon to apply formally for statehood, and New Mexico territory would probably follow the same procedure, Taylor hoped Congress would not anticipate any form of legislation in their regard, but rather await their application by which "all causes for uneasiness might be avoided and confidence and kind feeling be preserved."¹⁴ Such a "laissez-faire" policy was not kindly received. Events followed in rapid succession. Douglas presented a memorial of the Committee of Deseret (Utah); Foote, a resolution that it was the duty of Congress not to adjourn until suitable governments were formed for California and New Mexico; Benton, a bill to cut down the area of Texas, admitting a state from the territory to be ceded, and paying Texas \$15,000,000 for accepting the new boundary; Foote, a bill to organize territorial governments in California, New Mexico, and Deseret. Upon each of these, debates lengthy and most heated, took place until it seemed as though a civil war was imminent.

It was at this point that Clay presented his resolutions. That section which concerned the territories proposed that governments should be organized

¹⁴ McMaster, 11.

for Utah and New Mexico without any restriction as to slavery. Section 2 of the resolutions stated:

As slavery does not exist by law, and is not likely to be introduced into any territory acquired from Mexico, territorial governments should be established by Congress without any restrictions to slavery.

The boundary between Texas and New Mexico which was in dispute was to be determined.

. . . Directs the payment of the bona fide public debt of Texas, contracted prior to the annexation, for which the duties on foreign imports were pledged, upon the condition that Texas relinquish her claims to New Mexico.¹⁵

In his speech, Clay classed the application of the principle contained in the Wilmot Proviso as a taunt and reproach to the South, which was absolutely unnecessary -- unnecessary because a higher law than that of the Union had excluded slavery from the territories in question . . . the law of nature, physical geography, the law of the earth. And Webster, in his seventh of March speech, by reviewing the climate and altitude of New Mexico, emphasized the fact that this section held nothing for the planter. The North, however, was not to see this so soon.

There were assembled in Congress at this time some of the greatest of personalities in the history of our country, and the Old Northwest contributed its share. Douglas of Illinois, Cass of Michigan, and Chase of Ohio wielded great influence in the Senate; while in the House, such individuals

as Root, Giddings, Doty, Bissel, and McClernand were equally outstanding.

As the representatives of their constituents, these men and their reactions to the Compromise must be studied if one is to grasp the temper of those whom they represented. These reactions are found in the utterances they made on the various points of debate, and likewise in their recorded votes.

The anti-slavery sentiment was strongest in the State of Ohio which sent Corwin, a Whig with anti-slavery principles, and Salmon Chase, a Free Soiler, to the Senate. Chase, who was soon to become a dominating influence in the Northwest in the anti-slavery crusade, early in the session, asserted his views, which he held to the end. Addressing the Senate in January, he professed his adherence to the party known as the "free Democracy of the United States . . . insisting that it would receive his complete support whenever it took such grounds on the subject of slavery as would be in accordance with the principle of the Ordinance of 1787."¹⁶ Later, when speaking on the Compromise resolutions, he said:

We have no power to legislate on the subject of slavery in the States. We have the power to prevent its extension, and to prohibit its existence within the sphere of the exclusive jurisdiction of the General Government. Our duty, therefore, is to abstain from interference with it in the States. It is also our duty to prohibit its extension into national territories, and its continuance where we are constitutionally responsible for its extension.¹⁷

¹⁶ Cong. Globe, 31st Cong. 1st Sess., 133.

¹⁷ Cong. Globe Appendix, 31st Cong., 1st Sess., 468.

"I shall vote to admit no more slave states unless under circumstances absolutely compulsory."¹⁸

The Ohio delegation in the House was quite large, and Disney, Potter, Hoaglund, Whittlesy, Miller, and Wood consistently supported the compromise measures. More than offsetting the six votes were the remaining fourteen in opposition, principal among which were those of Giddings and Root.

Mr. Hoaglund was a Democrat who advocated the Doctrine of "non-interference by Congress with local institutions." "The People who inhabit territories should have the right to decide upon the character of their institutions without the intervention of Congress."¹⁹

D.T. Disney was more forceful in expressing his views on the Proviso:

Slavery I hold to be a great political and moral evil . . . The extension of slavery will be prevented by other means than Congressional prohibition. The law of Mexico prohibited slavery in the territories we acquired from her, and that law is in force there yet. . . . But the "proviso" is a shibboleth . . . If we are governed by the practice of the past, the people of the territories will settle the question for themselves.²⁰

He presented a series of resolutions proposing such an amendment to the Constitution as would prohibit Congress from excluding slavery from the territories of the United States, which, after some debate, were laid on the table. In response, Giddings introduced resolutions declaring, "life, and liberty to be gifts of God inherent and inalienable, for the protection of

18 Ibid., 909.

19 Ibid., 667.

20 Ibid., 301.

which governments are instituted among men. That in establishing governments in any territory, it is the duty of Congress to secure all the people thereof in the enjoyment of those rights."²¹ Giddings regarded the payment of the \$10,000,000 to Texas as the "most objectionable feature of the omnibus", and delivered a very impassioned speech on this bill.

The Wisconsin delegation, considering its size, presented almost as strong an opposition to the Compromise as did that of Ohio. Her Senators, Isaac P. Walker, and Henry Dodge, rejected the Compromise to the very end, voting against the three bills in the final test.

Walker on March 6 made the following resolution:

I have moved so to amend this resolution, that it shall read, Resolved, That as slavery does not exist by law but has been abolished and prohibited, together with the slave trade, and cannot be introduced into any of the territory acquired without positive enactment, it is inexpedient . . .²²

On August 9, desirous of having the Texas issue settled, he said, "I propose to interfere as little as possible with the friends of this bill."²³ Noninterference did not, however, mean support, since Walker voted against the Texas bill.

Nor did Wisconsin give its support to the New Mexico, Utah, or Texas bills in the House. Charles Durkee, Free Soiler, said in debate on the Omnibus Bill:

²¹ Cong. Globe, 277.
²² Cong. Globe Appendix, 227.
²³ Ibid., 1757.

Sir, you may pass your compromise bill which is well named because it compromises the integrity of the American character, while sacrificing the interests of humanity. . . . You may do it . . . and you will be swallowed up by the indignation of the people quicker than were the rods of the ancient Egyptian conjurers.

I know that some of our great statesmen say that the Wilmot Proviso, in connection with these territories is an idle abstraction. I look upon the Proviso as neither more nor less than one of the cordial principles of the Declaration of Independence; hence it is proper to be urged in the organization of civil government everywhere. The determined opposition to it is the best proof of its necessity.²⁴

The sentiment in Iowa was very different from that of Wisconsin. Senator Dodge of Iowa had shown his friendliness toward the Compromise from the beginning. In June he had said:

Leave it to the people, and if Southern slaveholders shall go into these territories in such numbers as to control their destinies and shape their institutions, I say, for one, that Congress is bound to admit the state, whatever may be its domestic institutions. We have nothing to do with anything but its boundaries.²⁵

Senator Jones supported the bills at every turn, but was absent, however, on the final votes on the New Mexico and Texas propositions. Leffler in the House, also, voted in the affirmative on the bills.

Bright and Whitcomb, both Democrats and representing Indiana in the Senate, were decidedly pro-compromise. Bright evidenced surprise that there

²⁴ Ibid., 740-742.
²⁵ Ibid., 911.

could be so great a difference between Ohio and Indiana in regard to the proposed measures as there seemed to be.

It is a matter of astonishment to me, Mr. President, that the States of Ohio and Indiana should differ so widely in reference to the unsettled political questions of the day. . . . He received a letter from one of importance . . . that he had conversed with gentlemen from all parts of the State, and leading men of both the great political parties, and that he had not met with a single individual who was not in favor of the general adjustment of the measure embraced in the compromise bill.²⁶

The vote in the House was likewise pro-compromise, with the exception of George Julian, a die-hard Free Soiler; W.A. Gorman believed "that this Pro-viso was conceived in sin, and brought forth in iniquity."²⁷

C.A. Dunham was willing to trust the people of the territories on the question of slavery, but George Julian, representing one of the strongest anti-slavery districts in the Union was not so docile. In reference to the Texas boundary bill, he stated:

What I chiefly complain of is that the land given to Texas by this bill is transformed from free territory into the soil of a slaveholding state. It is neither more nor less than the extension of slavery by an act of Congress.

I am not willing to "trust the people of our Territories" with political power for any such purpose and neither do they demand it at the hands of Congress . . . and if there is one circumstance

²⁶ Ibid., 1202.

²⁷ Ibid., 320.

connected with my humble service in the present Congress to which, in after years, I shall look back with pleasure and with pride, it is that in the midst of false lights and false alarms . . . I insisted to the last on the duty of Congress to protect our fair territory from the inroads of slavery by positive law.²⁸

A very interesting study is presented in the case of Michigan. Although she instructed her Senators and Representatives to vote for the Wilmot Proviso, Senator Lewis Cass was able, by the forcefulness of his personality, to secure a revocation of those instructions. It is due to the efforts of Cass that the current opinion in the West was greatly stemmed. The same legislature which elected Cass to the Senate likewise resolved that Congress ought to prohibit slavery in New Mexico and California.²⁹ This was done in the face of great opposition, for Cass had come out in support of squatter sovereignty. In a letter to a friend in Jefferson City, he had acknowledged the right of the legislature of his state to instruct him declaring it to be his duty to obey or resign, declaring: "I am instructed by the Legislature of Michigan to vote for the Wilmot Proviso. This I shall never do. But when the time comes I shall give my views in full upon the subject, and resign my seat in the Senate."³⁰

He firmly believed that Congress had not the power to pass any law pertaining to slavery in the Territories, that no such express power had ever been given. When the time came to express his views before the Senate on the Proviso, Cass said:

28 Ibid., 299.

29 Rhodes, 108.

30 Chicago Daily Democrat, January 16, 1850.

My sentiments upon the Wilmot Proviso are now before the Senate. I am precluded from voting in conformity with these. I have been instructed by the Legislature of Michigan to vote for this measure. I am a believer in the right of instruction when properly exercised under proper circumstances.

I acknowledge the obligation of the instructions I have received, and cannot act in opposition to them, nor can I act in opposition to my own convictions and the true meaning of the Constitution.

When the time comes and I am required to vote upon this measure as a practical one in a bill providing for a territorial government, I shall know how to reconcile my duty to the Legislature with my duty to myself by surrendering the trust I can no longer fulfill.³¹

Such a threat brought powerful results, for in the following month the conservative Democrats, out in support of Cass' stand, pushed through the legislature a set of rescinding resolutions giving their Senator the freedom of his vote. And on April 2, the Governor of Michigan, in his speech, avowed that the "people of the state were opposed to the extension of slavery but loyal to the Union."³²

Felch, the other Senator, followed the lead of the great Cass on all the issues.

As has been pointed out, the Southern votes blocked all such attempts to separate the admission of California from the New Mexico and Utah bills. James Doty of Wisconsin on February 18, offered a resolution in the House instructing the Committee on Territories to report a bill "for the admission

³¹ Ibid., January 26, 1850.

³² Ibid., April 15, 1850.

of California under her constitution." By many dilatory motions, the South prevented a vote from being taken and matters seemed to be deadlocked.

The Illinois delegation is generally credited with the breaking of this deadlock. Representative John McClernand, with the sanction of Douglas approached Mr. Toombs and Mr. Stephens to see if this contest in the House could be brought to an end. The bargain struck was the admission of California if the territorial question could be first adjusted to satisfy the South. According to the terms of the agreement, the understanding was that:

. . . there should be no Congressional exclusion of slavery from the public domain; but that in organizing Territorial Governments the people should be distinctly empowered to legislate as to allow the introduction of slaves, and to form their own constitutions in respect to African Slavery, as they pleased, and when admitted as States into the Union, to be received without any Congressional Restriction upon the subject.³³

A bill on this basis was introduced in the Senate by Douglas on the 25th of March, and McClernand announced the substance of a similar bill in the House on the 3rd of April.³⁴

The Committee of Thirteen, appointed to make the resolutions of Clay workable, appropriated the bill of Douglas, changing it in some details.

There was one highly significant change in the Territorial bills inside the Omnibus. Douglas' measures had been silent on the slavery question; these forbade the territorial legislatures to pass any measures in

³³ Alexander Stephens, Constitutional View of the War Between the States, National Publishing Company, Philadelphia, 1868, Vol. III, 303.

³⁴ Cong. Globe, 592-628.

respect to African slavery, restricting the powers of the territorial legislature at a vital point.³⁵

By the last of July, the Omnibus had been smashed and the only survivor was the Utah bill. The other measures would need to be dealt with independently, and Clay joined with Douglas in an effort to restore the New Mexico bill to its original form by securing the omission of the clause forbidding territorial legislatures to touch the subject of slavery.³⁶ They were successful, and the bill as such was passed.³⁷

Stephen A. Douglas, or the Little Giant, was not a Proviso man. He was an advocate of the non-interference theory which was to come into full bloom in the famous Kansas-Nebraska bill. In reference to the territories, Douglas had stated in the Senate:

Bring these territories into the Union as States upon equal footing with the original States. Let the people of such States settle the question of banking or any other domestic institution according to their own will . . . No man advocates the extension of slavery over a territory now free. On the other hand, they deny the propriety of Congress interfering to restrain, upon the great fundamental principle that the people are the source of all power; that from the people must emanate all government; that the people have the same right in these territories to establish a government for themselves that we have to overthrow our present government and establish another, if we please, or that any other government has to establish one for itself.³⁸

35 Allen Johnson, Stephen A. Douglas: A Study in American Politics, Macmillan, New York, 1908, 36.

36 Ibid., 186.

37 Cong. Globe Appendix, 1480-18.

38 Cong. Globe, 30th Cong., 2nd Sess., 208.

In view of his non-interference creed, and the instructions of his constituents that he vote for the Proviso, Douglas was in the difficult position of having to choose between his convictions and the retention of a political office. Douglas-like, he managed to extricate himself from such a position.

He reaffirmed his convictions of non-interference but followed instructions when he had to give his vote. In other words, he obeyed the letter, but violated the spirit of his instructions.³⁹

On February 7, 1850, Douglas offered to the Senate a compromise of his own which advocated the admission of California with limited boundaries, and provided for admitting a new slave state from Texas as an offset to the free state of California. This compromise was not popular. The Chicago Daily Democrat of February 16 said:

It is well known that a large majority of the people of the state are in favor of the principle of the Proviso . . . It is also known that the Legislature has instructed our Senators and requested our representatives in Congress to insist upon the application of the Proviso to all new territories. In face of these instructions and in opposition to the will of the people of the state, Senator Douglas sees fit to take his present stand.⁴⁰

On March 13 and 14, Douglas rose in the Senate to express his views. Proceeding to the questions involved in the Compromise, he said of the Wilmot Proviso:

³⁹ Ibid., 186.

⁴⁰ Chicago Daily Democrat, February 16, 1850.

The position I have ever taken has been that this and all other questions relating to the domestic policy of the territories ought to be left to the decision of the people themselves, and that we ought to be content with whatever way they may decide the question, because they have a much deeper interest in these matters than we have, and know much better what institutions suit them than we, who have never been there, can decide for them.⁴¹

Douglas rarely voiced an opinion on the Texas Question save to oppose any amendment that would deprive New Mexico of a large amount of territory.

The second senator from Illinois, James Shields, took no part in the debate until April 5, when he stated:

In my humble opinion, the Congress of the United States has full power and authority to govern all territories . . . in all respects whatsoever, including the introduction and the exclusion of slavery, subject to no limitation or restriction except that contained in the Constitution of the United States.⁴²

He also held that Texas had no right to any portion of New Mexico, by remarking, "she never conquered it, never occupied it, never reduced it to possession, and never exercised any authority over it. She has no more title to Sante Fe than she has to San Francisco."⁴³ On June 12, he said, " . . . but in order to prevent New Mexico from being cut up, and I am willing to vote for any reasonable sum for that purpose."⁴⁴

In the House, McClernand and Richardson were the only men from Illinois

⁴¹ Cong. Globe, 31st Cong., 1st Sess., 1114.

⁴² Ibid., 648.

⁴³ Ibid., 858.

⁴⁴ Ibid., 858.

to speak on the territorial measures. McClernand was definitely anti-Proviso, and was the right hand man of Douglas. He claimed the Proviso had caused the "battle to be fatted with blood and carnage." "I proclaim it, sir, that this Proviso is a falsehood and a fraud, and that it deserves to be scouted and scoffed by every orderly and discreet citizen."⁴⁵

Richardson advocating the immediate admission of New Mexico declared:

I have sought in vain to hear some reason for the passage of the Wilmot Proviso. There is a necessity to abolish or prohibit slavery in territories where it exists. With this view, the Ordinance of 1787 was passed. . . . If territory is free, there is no necessity to pass any law . . . it will remain so . . .⁴⁶

The returns of the ballot boxes in the Northwest follow no set rule. In some sections, Whig gains were made; in others, Democratic, according to their reaction to the anti-slavery crusade.

As might be expected, both national parties in Ohio had strong tendencies toward abolition. In a meeting at Columbia on February 21, 1850, the Whig Party adopted resolutions demanding that the territory be free by the adoption at once of the principle of the Ordinance. The following May, at their state convention, they nominated for governor, W.L. Johnson of Cincinnati, who was an abolitionist. At least at this time, there was no desire on the part of the Whigs to accept the resolutions of Clay, for they adopted in convention the following:

⁴⁵ Ibid., 697.

⁴⁶ Cong. Globe Appendix, 31st Cong., 1st Sess., 424.

Resolved: That, in all Territorial Governments hereafter organized by Congress, we here reiterate the principle declared by the Whig State Convention of 1848, "that there shall be neither slavery nor involuntary servitude therein, otherwise than for the punishment of crime."⁴⁷

The Democrats at their convention in July passed no resolutions favoring the Compromise, adopting with "unanimity":

Resolved, That we hail with high satisfaction the action of the people of California and New Mexico in the formation of a government for themselves and we insist on their admission into the Union, with the Constitution they have adopted without delay.⁴⁸

However, by September, both parties had shown signs of supporting the measures and were endeavoring to hold their members in line. The rank and file of the parties, by use of their votes in some sections rewarded those who opposed the Compromise, while in other parts those who had not opposed it were relieved of their offices. Giddings, Olds, Sweitzer, Carter, all anti-slavery in sympathies, were returned to Congress. John Miller, staunch supporter of the Compromise, was not returned to office, and in the October election, the Free Soiler made great gains.

The anti-slavery cause had made rapid strides in Wisconsin in the year of 1848. The Free Soil Party, organized in Buffalo, New York, in August of that year gained great strength in those southeastern counties settled by New Yorkers and New Englanders. Charles Durkee of Kenosha was the first Free

⁴⁷ National Era, May 31, 1850.

⁴⁸ Chicago Daily Democrat, July 30, 1850.

soiler to enter the National Legislature. Practically all parties in Wisconsin at this time were anti-slavery, for the Free Soilers had absorbed most of the Abolitionists, the Liberty Party Men, and were more radical than the regular Whigs and Democrats.⁴⁹

In the November elections, the people of Wisconsin rewarded their two able representatives, Durkee and Doty, by re-electing them with large majorities for having distinguished themselves by their consistent support of the cause of Free Soil.

In Michigan, Cass had successfully managed to rally his state party to his cause. The Cassites had thrown over Bingham because he was a Free Soiler. The Free Soil party nominated Bingham, who declined and Conger was chosen in his place. In Senator Cass's home district, Conger was elected by a majority of 600. Yet in June, the Constitutional Convention, meeting at Lansing and controlled by conservatives, supported the Compromise by opposing the intervention of Congress in domestic affairs, and on September 25, the Democrats nominated Cass for President.

The Whigs in their state convention on October 12, adopted resolutions commending Cass, Clay, and Webster. The Peninsular Freeman, however, reported that these resolutions were adopted by a small majority, and would have been rejected had all the Western delegation been full.⁵⁰

Yet in Michigan, there was a strong Free Soil movement. A call was

⁴⁹ Martha F. Cross, "The Wisconsin Home of Frances E. Willard", The Wisconsin Magazine of History, Publication of the State Historical Society of Wisconsin, 1918-19, Vol. II, 461.

⁵⁰ National Era, October 10, 1850.

issued for a Free Soil meeting at Marshal of all those opposed to the extension of slavery "to deliberate upon the best means to concentrate the public sentiment of this state in such a manner, that its influence may be felt in settling the questions concerning slavery which now agitate the Union."⁵¹

The reasons for this call were as given below:

1. We suppose that the mass of people of Michigan feel no abatement of their interest in these important questions, that they desire still to exert all the influence they can, lawfully, to abolish Slavery wherever they have the political power to reach it and to prevent its further extension.

2. We believe that the resolutions recently adopted by the Legislature of this State known as the "rescinding resolutions" are disapproved by a large majority of the people, and they were passed in violation of pledges of the most sacred character.⁵²

The Whig Party was linked with the Compromise and although Iowa had never pretended to be truly opposed to the extension of slavery, and in fact had often boasted of being the only Free State that had never passed legislative resolves in favor of the Wilmot Proviso, nevertheless, in the August elections, the whole Democratic ticket was elected by largely increased majorities. The legislature was definitely Democratic, thirteen Democrats in the Senate to six Whigs, and in the Assembly thirty-five Democrats to four Whigs.⁵³

In Indiana and Illinois the Whig Party made some gains. A probable explanation of this in Illinois might be that the people resented the pro-

⁵¹ New York Tribune, May 1, 1850.

⁵² Loc. cit.

⁵³ Chicago Daily Democrat, August 26, 1850.

slavery course of the Democratic delegation with the exception of Wentworth.

"The Democracy of McHenry County embodied a hearty expression of their belief in the principles of the ordinance of 1787, the principle of prohibiting the further extension of slavery."⁵⁴

On October 11, the Democrats in convention at Joliet resolved that "we are uncompromisingly opposed to the extension of Slavery . . . we moderately but firmly insist that it is the duty of Congress to oppose its extension to territory now free."⁵⁵

Public opinion expressed itself in the forms of mass meetings and memorials, and judging from the number of memorials sent to their representatives in Washington, it can be safely said that the public of Ohio, Wisconsin, and Illinois manifested the greatest dissatisfaction with the settlement of the territorial question.

It would be very difficult to count the numerous petitions presented to Congress by Wentworth of Illinois until the finality had been reached. These petitions took various forms of expression containing, however, the same principle -- the application of the Wilmot Proviso to the territories. One from Wauconda, Lake County, prayed "that no State be hereafter admitted into the Union unless the constitution of such State shall expressly prohibit the existence of slavery . . . "⁵⁶ And on April 30, the constituents of Wentworth from Wheeling respectfully prayed that he might "vote against all bills . . . providing directly or indirectly for an organization of a Terri-

⁵⁴ Ibid., August 30, 1850.

⁵⁵ Ibid., October 11, 1850.

⁵⁶ Ibid., May 3, 1850.

torial Government in New Mexico or Deseret or any other of the territories unless it is expressly provided in said bill . . . that slavery shall be forever prohibited."⁵⁷ The Quakers of Magnolia, Putnam County, "hoped that Friend Wentworth would not yield one inch more of territory to slavery."⁵⁸

Chase presented a memorial in the Senate from numerous citizens of Akron who "emphatically protest against the establishment of governments for the territories without an express interdiction of slavery therein."⁵⁹ On July 19, Jones begged leave to present "as evidence of public feeling in Iowa, certain resolutions, which were adopted on the 12th of the past month, at a . . . Democratic Convention . . . held at Davenport . . . and nominated decided anti-proviso men for Governor and Secretary of State."⁶⁰

Yet meetings in Fort Madison, Keokuk, and Marion, in the same state were of an entirely different character. At the Marion mass meeting held on March 30, the following resolutions were adopted:

Resolved: That we are in favor of the passage of a law by Congress prohibiting slavery in all Territories belonging to, or which may hereafter be acquired by the United States . . .

Resolved: That we have observed with the most profound regret a disposition on the part of some Northern members in Congress to yield up our territories to the chances of settlement and population, thereby having them openly exposed to the extension of slavery.⁶¹

⁵⁷ Ibid., April 30, 1850.

⁵⁸ Loc. cit.

⁵⁹ Cong. Globe, 1201.

⁶⁰ Cong. Globe Appendix, 1716.

⁶¹ National Era, May 2, 1850.

Felch of Michigan presented the proceedings of a meeting at Lansing called for the purpose of forming a new constitution, at which it was resolved: "That the great doctrine of Congressional non-intervention in the domestic legislation of the territories . . . is the only platform upon which the Democratic party of the Union can maintain its nationality and its ascendancy."⁶²

Ohio was the scene of many spirited meetings during the months of April, May, June, July, and August. One from each of the following counties, Carroll, Fayette, and Brown, are quoted because these counties were the strongest in anti-slavery sentiment, and their resolutions contain a note of belligerence which was to bear fruit at the end of the decade. At the meeting held in Ripley of Brown County in August, and attended by some 4,000 citizens, it was resolved: "That we will oppose the propaganda of Slavery at all times -- at all places -- by all honorable means -- against all odds -- without compromise -- and to the last extremity."⁶³

The resolutions adopted by the meeting in Perry Township, Carroll County, of February 18 contained a threat against those representatives who had betrayed a trust. Their resolutions read:

Whereas, in the House of Representatives of the United States, a resolution offered by Mr. Root of Ohio, affirming the principles of the Ordinance of 1787, and affixing it to the Territories of the United States has been laid upon the table by a majority of twenty-six votes, and whereas we believe the great mass of the people of the Northern States

⁶² Cong. Globe, 1236.

⁶³ New York Tribune, August 19, 1850.

to be in favor of the principles of said resolutions:

Therefore be it resolved:

. . . That we hold in detestation the political character of those Northern men who have basely betrayed their constituents voting against said resolutions . . . That we will hereafter sustain no man for office who is not fully committed on this subject.⁶⁴

The Free Soilers of Fayette County resolved "that no change has taken place in the minds of the common people, in regard to the opposition to the extension of slavery over territory now free, but that one uniform sentiment prevails, and that is no slave territory, no more Slave states - now and forever."⁶⁵

The Union Safety Committee exerted great efforts during October and November in Ohio to stem this tide of anti-compromise sentiment. Union mass meetings were held in the larger cities of Dayton and Cincinnati condemning further agitation of the slave question.⁶⁶

Meetings in protest to the adoption of Clay's resolutions were held throughout the central and northern sections of Illinois, but one of the most significant was that called on February 21 "without distinction" of party, assembling in the City Hall of Chicago. This body drew up and adopted the following resolves which are of particular interest since they came from the native state of Douglas. It was resolved:

Whereas, Recent events at the Capitol admonish us that new dangers have arisen threatening the over-

⁶⁴ National Era, May 2, 1850.

⁶⁵ Chicago Daily Democrat, April 12, 1850.

⁶⁶ Rhodes, 195.

throw of freedom in the Territories of the United States in which slavery does not now exist by law . . . Resolved, That as citizens of Illinois, . . . we hereby reiterate our determination as Free Men, never, under any political necessity whatsoever, to consent to the abandonment of the "Jeffersonian Proviso."

Resolved, That we observe with deepest humiliation . . . our own beloved State standing out among her sisters . . . as the only free State . . . casting a majority of her delegation against the resolution of Mr. Root of Ohio, knowing as we do that such is not a faithful representation of the will of her people.

Resolved: . . . we hereby instruct our Representatives and Senators in Congress to so cast their votes . . . as will most effectively prevent such extension, and vote for no law organizing new Territory of the Union without an express prohibition of slavery.⁶⁷

Union meetings were held in the larger cities throughout Illinois as well as Ohio and Michigan. One of the most important was that assembled in Springfield on July 15, which was numerously attended by those favorable to the plan of adjustment of the slavery question proposed by the Senate Committee of Thirteen. The resolutions adopted were:

Resolved: That among the various plans as yet submitted to Congress for a disposition of the embarrassing questions above referred to, that series of propositions presented to the United States on the 8th of May last by the Committee of Thirteen, of which the Hon. Henry Clay was chairman, contain the elements of a safe, just, constitutional, and final settlement of the leading causes of dispute.⁶⁸

⁶⁷ Chicago Daily Democrat, February 22, 1850.

⁶⁸ Chicago Daily Democrat, June 23, 1850.

As a whole the Democratic and Whig press of the Northwest in the early stages of the anti-slavery movement opposed the extension of slavery into the territories, carrying editorials rejecting the compromise measures until after Webster's Seventh of March speech, when a change in tone could be noticed.

The Chicago Daily Journal, a Whig organ, on February 19, 1850, stated:

We hold and feel that it is not necessary to extend the area of slavery one inch, to keep the States in the bond of Union. . . . Ours is a union of compromises but it is not necessary to carry out new and unheard-of projects, and embark in the unholy office of weaving the black flag of slavery with the stars and stripes, and together plant them on soil as yet uncursed by slavery.

Yet a month later, after the speech of Webster, this paper came out in support of Clay's resolutions. On the other hand, the Chicago Daily Democrat maintained to the very end its opposition to the measures, as evidenced in the following editorial:

We are sorry, however, to be compelled to say, that since the election of General Taylor, the Whig papers of the West with but few exceptions have been exhibiting a disposition to compromise the slavery question. . . . This, nevertheless, is no evidence of public sentiment, for nearly all Whigs, who are not leading politicians and office-holders repudiate Mr. Clay's "Compromise", and are as zealous for the proviso now as they were six months since.⁶⁹

Other Illinois papers supporting the principle of the Proviso were the Illinois Republican of Bellevue, the Kenosha Democrat, Prairie Democrat of

⁶⁹ Editorial in the Chicago Daily Democrat, February 15, 1850.

Freeport, and the Ottawa Free Trader.

The Illinois Globe of June 6, 1850, said regarding the Compromise: "We sincerely hope that it will become a law soon . . . on its passage rests much of the peace and happiness of our loved and glorious republic." The Cincinnati Gazette and Cleveland Herald likewise endorsed the resolutions. The Ohio State Journal stated in contrast: "The resolutions of Mr. Clay are profound impression on the public mind. . . . There can be no mistake about their reception in Ohio . . . our citizens do not endorse the sentiments of his resolutions."⁷⁰

In Michigan the press of the larger cities began to recede from the position it had taken in support of the Proviso, undoubtedly because of the influence exerted by Cass. The Detroit Advertiser had been very ardent in the advocacy of the free soil doctrine, but by May it had become quiet on that subject. When in September the Detroit Free Press came out for the nomination of Cass for president, the greater portion of the country press responded.⁷¹ Some of the more liberal Low papers such as the Saginaw Times, Monroe Commercial, and the Macomb Gazette refused to join the Cass crusade.⁷²

The Indiana State Journal on June 28 said: "Now let no democratic free soiler go off on a tangent. We are opposed to extending slavery into any territory now free . . ." And in reference to the speech of Webster it maintained: "This speech of Webster is but the denouement of the game which

⁷⁰ National Era, February 21, 1850.

⁷¹ New York Daily Tribune, September 12, 1850.

⁷² Ibid., October 12, 1850.

has been playing at Washington during the whole of the present session. . ."⁷³
By the early part of August it too, had become silent on the question of
slavery extension.

There can be no doubt that in the Northwest there was a decided sentiment in support of the Wilmot Proviso and against the extension of slavery. To just what extent this sentiment prevailed, or how great was its strength, is difficult to judge. Undoubtedly, the personal influence of such men as Cass, together with the conviction that the physical aspects of this section were not conducive to the employment of slaves, caused many of the moderates to relinquish their Wilmot Proviso stand in the interests of peace and the preservation of the Union.

⁷³ Indiana State Journal, May 9, 1850.

CHAPTER IV

REACTION TOWARD THE FUGITIVE SLAVE LAW AND THE SLAVE TRADE IN THE DISTRICT OF COLUMBIA

Even in colonial days, the planter was confronted with the problem of reclaiming and bringing back into servitude those slaves who escaped to other colonies for, although the various colonies placed no obstacles in the way of recovery, yet no legal assistance whatsoever was given the owner. The expense incurred in endeavoring to recover the fugitive generally far exceeded the value of the slave which was at most a few hundred dollars, since slaves were plentiful and once the runaway escaped into another colony, the chase was usually abandoned.

Yet when the new Constitution contained a clause prohibiting the importation of slaves after twenty years, the southern representatives recognized that some guarantee of the continuance of their system of labor must be given. It was not by chance, then, but rather it was a stroke of political strategy that led Mr. Butler of South Carolina on August 29, 1787, to move to insert in the proposed Constitution the following after the clause respecting fugitives from justice:

If any person bound to service or labor in any of the United States shall escape into another state, he or she shall not be discharged from such service or labor, in consequence of any regulations subsisting in the State to which they escape, but shall be delivered up to the person justly claiming

their service or labor.¹

Congress had been debating the new Constitution for three months and just as it appeared success was finally to be achieved, this motion was introduced. Coming at such a moment, it is no surprise that the motion was carried, the clause adopted, and the Southerner given a right he had never before had -- the right to recover his slave in whatever part of America he might take refuge.

After the ratification of the Constitution, things went on much as before with regard to fugitive slaves. If a runaway were caught before he made a permanent residence in a northern community, he might be carried back without much difficulty, but if pursuit did not follow immediately after escape, public sentiment in the northern communities was most unfavorable to the pursuer. Planted in their minds was an unwritten law by which these Northerners refused to recognize the claim of a dilatory owner; and a slave who had settled and proved himself a useful and law-abiding resident could not as a rule be taken without much trouble.² But immediate pursuit was not often possible and to enable the Southerner to recover his property whenever that pursuit was possible, Congress, on February 12, 1793, passed "An Act respecting fugitives from justice, and persons escaping from the service of their masters." It provided that whenever a person held to labor in any of the United States escaped into any other of the States or territories, the

¹ William C. Cochran, "The Western Reserve and the Fugitive Slave Law," Western Reserve Historical Society Publications, No. 101, Cleveland, 1920, 42.

² Ibid., 45.

An attempt has been made in Congress to correct these glaring defects in the Act . . . but the attempt has not yet succeeded. As it now stands the magistrate had no authority to command the goaler in this case to safe keep the fugitive.⁴

The prohibition on the importation of slaves with the increase of escapes caused a scarcity of slave labor, and as the profits from such crops as cotton, rice, and sugar increased, it well repaid the slave owner to pursue the fugitive now worth a thousand or twelve hundred dollars, even should he have to go far into the North. In most instances, this was turned over to the slave-catcher who, desirous of monetary gain, was not overly conscientious about the identity of one he claimed to be a runaway.

As escapes became more frequent and pursuit the more determined and unrelenting, the humane people of the free states, whose sympathies were aroused in favor of the black, resented the slave-catcher, often preventing him from capturing his prey. Consequently, prosecutions of those who interfered with the chase became more common, convictions more certain, and penalties more severe, all tending to increase the hatred in free communities of slavery and of the slave-catcher.

In remarks made by judges from time to time regarding the enforcement of this law, one can sense an undercurrent of objection to the capture of fugitives fast developing in the North. Chief Justice Tilghman of the Supreme Court of Pennsylvania remarked to a jury:

Whatever may be our private opinions on the subject of slavery, it is well known that our Southern

⁴ Ibid., 49.

brethren would not have consented to have become parties to a Constitution under which the United States have enjoyed so much prosperity, unless their property in slaves had been secured.⁵

And in a similar instance, Mr. Justice Baldwin stated to a jury:

It is not permitted to you or us to indulge our feelings of abstract right on these subjects; the law of the land recognizes the right of one man to hold another in bondage, and that right must be protected from violence, although its existence is abhorrent to all our ideas of natural right and justice. As a consequence of this right of property, the owner may keep possession of his slave; if he absconds, he may retake him by pursuit into another state . . . he may arrest him by the use of as much force as is necessary to effect his reclamation; . . . If this is unjust and oppressive, the sin is on the heads of the makers of the laws which tolerate slavery, or on those who have the power, in not repealing them.⁶

In the famous "South Bend Rescue Case" of 1849, the jury was advised that the law and not conscience constitutes the rule of action, and that men were bound, by the highest obligations, to deliver up the fugitives upon the claim of the master. The judge went on to say:

If the law be unwise or impolitic, let it be changed in the mode prescribed; but so long as it remains the law, every good citizen will conform to it. And every one who arrays himself against it . . . is an enemy to the interests of his country.⁷

When trustees of law and order openly criticize the legislation passed

⁵ Ibid., 50.

⁶ Loc. cit.

⁷ Ibid., 51.

and admit it is only a strict sense of duty that makes them obey it, the time is not far distant when the masses will renounce the law and refuse obedience. Because Ohio adjoined the slave state of Kentucky, she became the refuge for the majority of runaways, and it was there that the underground railroad best operated, in defiance of the law, soon spreading to Indiana and Michigan. As early as 1838 and 1839, fugitives were sent by boat from Chicago to Canada, and by 1840 the great territory of the Northwest was traversed by numerous and irregular lines of the underground systems.⁸

Although the number of fugitives escaping cannot be correctly judged, Siebert maintains that no less than 40,000 slaves were aided by the Ohio Abolitionists alone, nor did that number decrease after 1844.⁹ In the face of such violations of what they held to be "property rights" the Southern slave holders began to agitate for a more stringent rendition law. Mr. Mason introduced a bill to this effect in 1849, but, as were the other paramount issues, so was this put aside, and Congress adjourned leaving it to the following session to pass on the bill. Consequently, early in the session of the 31st Congress, the Mason bill again came up, and Seward on January 28, 1840, offered an amendment providing for a trial by jury and a writ of habeas corpus. Formal discussion on the bill or amendment did not take place for some time to come, yet references were made to both when discussing the compromise measure as a whole, for one of Clay's provisions was:

⁸ Wilbur H. Siebert, "The Underground Railway for the Liberation of Fugitive Slaves," Annual Report of the American Historical Association for the Year 1895, Washington, D.C., 1896, 396.

⁹ Ibid., 399.

That more effectual provision ought to be made by law, according to the requirement of the constitution, for the restitution and delivery of persons bound to service or labor in any State, who may escape into any other State or Territory in the Union.¹⁰

A good portion of the opposition to Clay's Compromise arose because every one knew this would mean the adoption of Mason's bill. Not until August 15, 1850, when the defeat of Clay's efforts was apparent, did Mr. Mason ask the Senate to take up his bill Number 23, with the view of offering a resolution in connection with it. This was to become the Fugitive Slave Bill of 1850 which would place the United States Government in the business of enforcing the following regulations: A fine of \$1,000 was placed on any marshal from whom a slave escaped whether or not it be with his knowledge. This made it financially expedient for a marshal to forego sentiment or personal feeling. A reward of ten dollars was given for each slave turned over to justice, causing the unscrupulous and mercenary very often to surrender blacks who were not slaves solely for the remuneration. More galling was the clause which made it possible for every Northerner to be drawn into the hunt -- the "posse comitatus" clause which not only empowered the authorities to appoint any suitable person to execute the return of the slaves, but gave them the right to call on bystanders to help when necessary.¹¹

The Senate proceeded to consider Mason's bill on August 19, 1850. The following days were devoted to formal debate until on August 23, the bill was

¹⁰ Commager, 320.

¹¹ D.M. Dewey, American Manual -- Constitution of the United States with all the Acts relating to Slavery, Longmans, Green, and Company, New York, 1854, 12.

finally ordered to be engrossed for a third reading and passed. Dodge and Jones of Iowa voted in the affirmative while Chase, and Dodge of Wisconsin, and Walker opposed the measure.¹²

On September 9 the House received the bill for consideration and on September 12 it was read for a first and second time. Efforts to lay the bill on the table failed, and finally it was ordered for its third reading by a vote of 105 to 73.¹³ Not much time was devoted to discussion of this obnoxious bill which passed the House because most of the Congressmen had been committed to the spirit of Clay's Compromise when the bill came up in concrete form.

The ten dollar bounty offered for every black man adjudged to be a slave made the profession of the slave-catcher a very lucrative, although a despicable one until the public became aware of the possible misuse of such inducements. Within the first year more persons had been seized as fugitives than during the preceding sixty years, and throughout the Northwest incidents took place in which the public often in open defiance of authority set free the supposed slave.

The outburst of indignation at this rendition bill made it not only difficult but embarrassing to speak on this subject. Not all the Congressmen of the Northwest committed themselves. Chase, Dodge of Iowa, Cass, Whitcomb, and Shields took part in the debate which began in the Senate on August 15, and Corwin, Giddings, Bissell, Richardson, Durkee, Dunham, and Julian

¹² Cong. Globe, 31st Cong. 1st Sess., 1647.

¹³ Ibid., 1806.

addressed the House. Chase, who strongly opposed the bill, said on August 19, 1850:

It will not do for any man to go into a State where every legal presumption is in favor of freedom and seize a person whom he claims as a fugitive slave, and say -- "this man is my slave, and by my authority under the Constitution of the United States I shall carry him off and whoever interferes does so at his peril." He is asked where is your warrant and he produces none; where is your evidence of claim, and he offers none. . . . ¹⁴

Later he asserted:

I am willing to compromise the matter . . . since compromises are so fashionable and adopt the whole together . . . But when I am asked to aid in reducing any person to slavery . . . I am unwilling to go beyond the Constitution, in legislation, for any such object as that because I do not believe it to be right.¹⁵

Cass of Michigan gave the bill his approbation claiming all his efforts had been in the interests of the peace and tranquillity of the country,¹⁶ and on the thirteenth of March, he evidenced a willingness to set aside all other measures in order to act upon the rendition bill.¹⁷ Regarding the matter as a whole, Cass on August 19 admitted he had fully concurred with the Compromise Committee that the main features of the Act of 1793 should be preserved, saying:

¹⁴ Cong. Globe Appendix, 31st Cong., 1st Sess., 1587

¹⁵ Ibid., 1620-22

¹⁶ Ibid., 908.

¹⁷ Cong. Globe, 1588.

At the time this law was passed every justice of the peace throughout the Union was required to execute the duties under it. Since then . . . the Supreme Court has decided that justices of the peace cannot be called upon to execute this law, and the consequence is that they have almost everywhere refused to do so. The master seeking his slave found the remedy a good one at the time, but now very ineffectual; and this defect is one that imperiously requires a remedy. And this remedy I am willing to provide, fairly and honestly, and to make such other provisions as may be proper and necessary.¹⁸

Whitcomb of Indiana did not approve of all the features of the bill as it had been introduced, but he was ready to vote for it whenever it would be brought forward in a suitable shape. He added:

. . . such is my confidence in the patriotism of the people and of their deep and abiding love of the Union, that I have no doubt, whenever a bill of the kind referred to becomes a law it will commend itself to the cheerful acquiescence and support of the great majority of the people both of the North and of the South.¹⁹

Dodge of Iowa stated his intention of supporting the act, boasting of the fact that never in a single instance had the courts and juries of Iowa failed to give damage against those who harbored or secreted runaways.²⁰ Shields of Illinois felt it was the duty of every man to stand by the Constitution and its guaranties and in such a spirit he was willing to vote for any reasonable bill for the restoration of fugitive slaves.²¹

18 Cong. Globe Appendix, 1583.

19 Ibid., 1574, 75.

20 Ibid., 1623.

21 Cong. Globe, 650.

The House did not debate long on the Fugitive Slave Law although many of its members had in earlier speeches referred to the subject. As a whole the remarks made in the House were more caustic, more bitter than those of the Senate. One can easily discern a note of bitterness in the acceptance of the law by some of the representatives. Truly the statement of Corwin of Ohio contains no sign of joyful acquiescence to the measure when he declared:

It is now said that it has become necessary for the Congress . . . to pass a law making it the imperative duty of every man, woman and child, residing in the free states, to hold themselves in perpetual readiness . . . to join . . . in chasing runaway slaves and in default of this most "pious and holy duty", we shall be subjected to fine and imprisonment. . . . if this political disease should affect a sufficient number of the members of this Congress to insure its passage, we must not rebel. We shall . . . try and "possess our souls in patience," having an abiding faith "that the time of our deliverance draweth nigh."²²

His colleague Giddings affirmed that he would stand by the Constitution in this as in everything else, but that he would "feed the hungry, clothe the naked, and point man on the road to liberty."²³

Bissell of Illinois proved a great disappointment to his constituents when he abandoned his anti-compromise stand regarding the Fugitive Slave Bill. Acknowledging that there was some truth in the charge that the free states aided fugitives in their escapes, he nevertheless put this at the door of "vicious and deluded people", declaring, "For my own part, I am ready to go any reasonable length to secure such legislation as will prevent, as far as

²² Cong., Globe Appendix, 434.

²³ Ibid., 425.

possible, this grievance . . . "24 Richardson of the same state likewise was prepared to vote for any fair and proper bill to enable the master to recover his slave and in defense of Illinois he said: "The state I have the honor in part to represent has never interposed obstacles in the way of the recovery by the master of his slave."25 Dunham of Indiana, willing to admit the North had neglected to carry out the provisions of the Constitution, was unable to see the need of a new slave law, remarking: "I cannot see wherein the master can need greater power to recapture his fugitive than that which he now possesses."26

It is the speeches of Durkee of Wisconsin and Julian of Indiana which reveal the strongest resentment toward the bill. When speaking on the compromise measures as a whole, Durkee said:

. . . I pass to a subject to which I have already incidentally alluded -- I mean the too-well concerted plan . . . that shall finally extinguish the last hope of personal liberty to the poor slave, while, if carried out in principle, it would crush the spirit of civil liberty throughout the world. . . . Sir, if they succeed in passing a law that public opinion shall be arrested in its triumphal career, it will have just about as much effect as the astronomical decree of the ancients, that the earth should not move around the sun. Should this Congress finally fall into so gross an absurdity, there would arise a host in opposition . . . might go so far as to dissolve the Union.27

Julian declared the Whigs and Democrats of the North as well as the Free Soil men disclaimed all right on the part of Congress to touch slavery where it

24 Ibid., 227.

25 Ibid., 424, 25.

26 Ibid., 839.

27 Ibid., 744.

existed, and proceeded to state:

We say the slave hunter may come upon our soil in pursuit of his fugitive, and take him, if he is able, either with or without warrant, and we are not allowed to interfere in the race. "Hands off" is our covenant and the whole of it. . . . It is not the duty of our State magistrate to aid him, . . . Is slavery so ²⁸ endeared to us that we must volunteer in its support?

Later Julian referred to the provisions of the bill as a "heartless and cold-blooded enactment" and said:

If I believed the people I represent were base enough to become the miserable flunkies of a . . . slave-hunter, by joining him or his constables in the blood-hound chase of a panting slave, I would scorn to hold a seat on this floor by their suffrage. . . . and I now give notice to our sothern brethren that their newly-vamped fugitive bill cannot be executed in that portion of Indiana which I have the honor to represent.²⁹

By its very nature the rendition law furnished excellent material for editorials and news items, and in those papers of the period, which were opposed to the law, articles relating to it are found in abundance. On the other hand, in those papers supporting the Compromise, one finds in general a reticence in discussing the fugitive slave bill that is not evident in connection with other measures of the Compromise.

Such papers as the Michigan Expositor, Michigan Telegraph, and the Daily Advertiser, advocates of the Compromise, late in September stressed the acceptability of the measures as a whole in the hopes that through moderation

28 Ibid., 575.

29 Ibid., 1301

and concession the Union would be preserved.³⁰ The Detroit Free Press, loud in its support of Cass and equally bold in its defense of the fugitive slave bill, maintained that a rendition law should be enforced regardless of whether it was right or wrong.³¹ However, the Advertiser of the same city said on October 14:

A very deep excitement pervades this community in reference to the fugitive slave bill. Its terms and provisions meet with general reprobation by a majority of our citizens, independent of all party distinctions, and the utmost surprise is felt that any man could have been found arrogant enough to give his support to the measure, while pretending to represent the feelings and wishes of the citizens of Michigan.³²

In May the Advocate of Cass County, Michigan, reported a suit brought against seven of their citizens for aiding in the escape of a fugitive slave, stating that the suit was not "for any violation of law, or any wrong in the sight of God or man."³³

The Cleveland True Democrat reporting the recapture of a fugitive slave said:

Let one thing be understood. There is a spirit in every people above their laws and constitutions and manners. It is their soul. . . . We may endure slavery in Kentucky because it is not ours. But if Ohio is to be made capture ground, her jails are to be filled with slaves . . . if they could tamely submit to such wrong and insolence and heartless oppression -- then would their spirit be fit for any degradation, which could

30 Streeter, Political Parties in Michigan, 121.

31 Ibid., 124.

32 Ibid., 132.

33 New York Daily Tribune, May 4, 1850.

blur or blot the name of man. . . . 34

The Chicago Daily Democrat on October 29 quoted the Chicago Tribune as having said there were strong points in favor of the Fugitive Slave Law. The Democrat went on to say that the strongest point in the bill was that "it holds out a very great inducement to speculators, who have no qualms of conscience; but would as soon perjure themselves as not to make a dollar or two."³⁵

On August 31, the same paper gave a record of the vote on the Fugitive Slave Bill as it was passed at a third reading in the Senate. Remarking that no vote was cast in Michigan, Indiana, or in Illinois, and that Jones and Dodge of Iowa voted for it, the article read, "We expect it was rather an embarrassing bill for a northern man to vote upon."³⁶

An editorial in the Lockport (Illinois) Telegraph claimed that their exchange from all parts of the Free States was filled with expressions of the people in relation to this most iniquitous law. It said:

There is almost a unanimous condemnation of it and of men from the north who could so far forget that they represent Freemen, as to vote for such a statute upon our national escutcheons. . . . This is too much to endure, and the universal cry over the whole north and from all parties is, "Repeal! Repeal!"³⁷

One finds in the papers of religious denominations the strongest denunciation

34 The Liberator, March 8, 1850.

35 Chicago Daily Democrat, October 26, 1850.

36 Ibid., August 31, 1850.

37 Lockport (Illinois) Telegraph, October 23, 1850.

of the act, for this subject, rather than the bills regarding California, Mexico, or Utah, involved a question of conscience.

The Baptists were foremost in remonstrating against the rendition act. The Michigan Christian Herald declared it was the most "execrable law that ever disgraced the records of a civilized government and because it came in conflict with the divine law it was unconstitutional."³⁸

The organ of the Methodists in the West, the Western Christian Advocate, printed in Salem, Ohio, listed the injustices of the act and held that the greatest of all was that which commanded all good citizens to assist in slave-catching.³⁹

Numerous articles pertinent to the subject were carried in the Journal and Messenger of Cleveland. An editorial of November 15, 1850, because it was prophetic of the final outcome of the law, is quoted at length. It stated:

The great question before the American mind, at the present time, is American Slavery . . . Several of the great religious denominations have already been divided by it . . . As a nation, as individuals, there is no alternative but to meet it calmly as men -- as Christians. . . . The passage of the Fugitive Slave Law may be considered fortunate, or unfortunate according to the aspects in which it is viewed. . . . The strife will come. Collision will take place. It cannot be avoided. We must leave it with God. . . . It is time for special prayer in behalf of the nation. We know not what may be before us.⁴⁰

³⁸ Streeter, 218.

³⁹ Journal and Messenger, October 18, 1850.

⁴⁰ Ibid., November 15, 1850.

Now indeed had slavery assumed a moral aspect, and to the Northwest, peopled by Methodist, Baptist, Quaker, and Congregationalist, it had become a question of conscience. Clergymen by the hundreds denounced it from their pulpits and in their writings, while others sought to avert the splitting of their flocks into hostile camps by stressing obedience to law and order.

Schoolhouses and churches, with the masters of both acting as leaders, became the centers for the numerous meetings held in protest of the law, meetings at which fanaticism, intolerance, mingled with a stern sense of duty and respect of the rights of one's fellow man, made a strong appeal to the emotions of the people as registered by the resolutions adopted.

A mass meeting in Marion, Iowa, opposed "the passage of a law by Congress imposing the 'heaviest sanctions' upon citizens who refused to deliver up persons claimed as fugitives from slavery."⁴¹ In Kenosha, Wisconsin, Judge Stoddard addressed a meeting and pledged himself to grant a writ of habeas corpus in the case of a fugitive, in spite of the fugitive slave bill; the Deputy Marshal asserted he would refuse to serve a writ for the arrest of a fugitive though such should be placed in his hands.⁴²

Cass and Buell of Michigan labored unceasingly to prevent the probable collapse of the compromise scheme because of the unpopularity of the fugitive slave bill. They addressed several meetings held principally in the larger cities and urged the faithful observance of all measures advocated. Both men spoke at a Union meeting in Wayne (Michigan) at which resolutions were adopted expressing loyalty and devotion to the Union. Buell at a public dinner in his

⁴¹ National Era, May 2, 1850.

⁴² Chicago Daily Democrat, October 23, 1850.

honor on November 19 in Detroit, said regarding the fugitive slave bill:

. . . It was well understood, that such a bill should pass, as part of the system of peace measures. . . . I have thus far alluded to the fugitive slave bill, not for the purpose of defending it in every single provision, but for sustaining it as one of the great Compromise measures designed for the pacification of the country.⁴³

As might be expected, Ohio led her neighboring states in the number of her meetings. Salem was the seat of operations of the Western Anti-Slavery Society and here was published the Society's organ, The Anti-Slavery Bugle. A meeting of the Society was held on the 19th of September, 1850, resolving that:

. . . it was the right and duty of every man and woman in Ohio, to act on the principle of Death to the Kidnappers, whether they come to us as voters, congressmen, presidents, judges, marshals, constables, posse-comitatus, or slave holders . . . and that the passage of this bill was a declaration of war on the part of Congress against the people of Ohio. . . .⁴⁴

Resolutions adopted at a second meeting declared:

That neither Constitutional Compromises and requirements nor threats of slave holders to dissolve the Compact of Political Union will make us obey . . . that before God it is null and void, and no more worthy of our respect and obedience than an edict from Satan. . . . we hereby record our solemn determination to . . . aid him by all rightful means within our power to escape the grasp of his tyrant pursuer. . . . We heartily rejoice in view of the numerous indications that the People of the Northern States will not obey this law but trample it under their

⁴³ Streeter, 118.

⁴⁴ The Liberator, October 4, 1850.

feet as an unholy thing.⁴⁵

The citizens of New Lyme, Ohio, organized a committee of ten to correspond with other sections of the country for the mutual protection of those who might be fined for the violation of the bill. They also declared the Fugitive Bill "ought to be resisted, disobeyed, trampled underfoot at all hazards."⁴⁶ At a meeting in Cincinnati early in October, resolutions were passed urging resistance to the law and United States Commissioner Stelson, who had long held that office, announced his intention of resigning as soon as he was called upon to aid in carrying out the provisions of this infamous law.⁴⁷

A very significant meeting was that held in Chardon, Ohio, at which the "Chardon Fugitive Guards", consisting of fifty of the most influential and wealthy citizens organized under the direction of Captain Brown, pledged themselves to resist the law and officers of the government with the force of arms if necessary and even to sacrifice their fortunes and their lives.⁴⁸

Many meetings were held throughout Illinois at which were adopted resolutions similar to those of a meeting held in Dundee, Illinois, on October 24, and extending through three entire evenings. The resolves read:

. . . as Christians and philanthropists and lovers of good order and right, and as citizens of the great free state of Illinois, we will obey the precepts of the bible . . . and that we will not comply with the . . .

⁴⁵ New York Daily Tribune, October 23, 1850.

⁴⁶ National Era, October 31, 1850.

⁴⁷ Chicago Daily Democrat, October 25, 1850.

⁴⁸ Ibid., November 8, 1850.

requirements of the disgraceful Fugitive Slave Bill.
... "Repeal" is to be the watchword ... we will
resist any attempt ... made to recapture any runaway
slave that may be amongst us asking our protection.⁴⁹

A numerously attended meeting of the colored people at the African Church on Wells Street, Chicago, resulted in the formation of a "Liberty Association" of all people of color or African descent for mutual protection against any attempt at capture.⁵⁰ In December, in the same city, notice was given in various churches calling for a meeting of friends of "Human Liberty." It was resolved at the meeting that it was:

... expedient to organize an Anti-Slavery Association for the State of Illinois to act on moral, humane and religious principles ...⁵¹

One of the largest and most consequential of meetings was that of the Chicago Common Council on October 21. At this meeting, Alderman Throop introduced the following resolution:

Resolved, That the Senators and Representatives in Congress from the free states who aided and assisted in the passage of this infamous law and those who basely sneaked away from their seats and thereby evaded the question, really merit the reproach of all lovers of freedom, and are only to be ranked with traitors ... That the citizens, officers, and police of this city be, and they are hereby requested to abstain from any and all interference in the capture and delivering up of the fugitives of unrighteous oppression of whatever nation, name, or color.

49 Ibid., November 9, 1850.
50 Ibid., December 19, 1850.
51 Ibid., December 19, 1850.

To it was added:

That the fugitive slave law lately passed by Congress is a cruel and unjust law and ought not to be respected by an intelligent community, and that the Council will not require the police to render any assistance for the arrest of fugitive slaves.⁵²

These were adopted by a vote of 9 to 2 by the Council and the question placed before the public; and the Common Council was the first official expression of public disapproval and revolt. A meeting of the public was called for the following evening at the City Hall which was filled to its capacity at an early hour. The following resolutions were presented, which are most significant:

Resolved, That the fugitive slave law is unconstitutional and void; first, because Congress has no power under the Constitution to legislate on the subject . . .

Resolved, That we recognize no obligation of a moral or legal value resting on us as citizens to assist or countenance the execution of this law; that void laws everywhere must be considered by good citizens as divested of all legal, and especially of all moral force, and that we do and ever will trample this underfoot as an unconstitutional and flagitious attempt to impose infamous duties on conscientious citizens and compel them to do the devil's work.⁵³

There was no doubt of the sympathy and satisfaction of the audience, judging from the frequent cheers and great burst of enthusiasm as these resolutions were read, and certainly they would have been adopted had it not been for the intervention of one man -- Stephen A. Douglas. Arriving at the meet-

⁵² Chicago Daily Democrat, October 22, 1850.

⁵³ Charles W. Mann, "The Chicago Common Council and the Fugitive Slave Law of 1850," Proceedings of the Chicago Historical Society, 1902-1905, 72.

ing at a late hour, Douglas remained in the rear of the Hall until after the resolutions were read. He then invited all to a meeting the next evening, October 23, at which he promised to defend his vote in favor of the bill. That evening an equally large number convened to hear the "Little Giant". Douglas minced no words and flayed the action of the Council saying:

The Common Council of Chicago have assumed to themselves the right and have actually exercised the power of determining the validity of an act of Congress, and have it null and void, upon the ground that it violates the Constitution of the United States and the laws of God. They have gone further: they declared by a solemn official act, that a law passed by Congress "ought not to be respected by any intelligent community" and have called upon the "citizens, officers, and police of the city" to abstain from rendering any aid or assistance in its execution. What is this but naked, unmitigated nullification? An act of the American Congress nullified by the Common Council of the City of Chicago . . . This is a great improvement upon the South Carolina nullification.⁵⁴

The audience was swayed by Douglas and adopted the following resolutions introduced without a dissenting voice:

Resolved, That we will stand or fall by the American Union and its Constitution with all its compromises, with its glorious memories of the past, and the precious hope of the future.

. . . That we, the people of Chicago, repudiate the resolutions passed by the Common Council of Chicago upon the subject of the fugitive slave law passed by the Congress at its last session.⁵⁵

⁵⁴ Ibid., 75.

⁵⁵ Ibid., 80.

This was not the end of the matter, for the largest meeting of the year was held on Friday, October 24, to hear arguments in opposition to Douglas by Edwin C. Larned. Larned began by declaring the fugitive slave law to be the most infamous law ever passed by the representatives of a free people. He said, "It does not follow because a law is passed for the purpose of carrying out a constitutional provision that therefore the law is constitutional,"⁵⁶ and if the law gave the fugitive the benefits of the writ of habeas corpus and of trial by jury, Larned was sure there would be little opposition raised. Douglas had asked why the people had made no such protest against the Fugitive Slave Bill of 1793 which he maintained was the same thing in substance as the present law. To this Larned replied that, although the law of 1793 was bad enough, "this is infinitely, unspeakably worse. . . . It is because the law of 1793 was practically inoperative . . . it amounted to nothing . . . it became, almost from its passage, to all intents and for all practical purposes, a dead letter."⁵⁷ In conclusion Larned pledged himself to support a "proper law" but declared:

. . . let my right arm wither in its socket when I shall lift it to give the slightest aid or countenance to a law like this, which is in violation of the most sacred principles of the Constitution and the most precious rights of free men.⁵⁸

The meeting was adjourned after the following resolutions had been adopted.

⁵⁶ Edwin C. Larned, The New Fugitive Slave Law, Democrat Office, Chicago, 1850, 4.

⁵⁷ Ibid., 11.

⁵⁸ Ibid., 13.

Resolved, That the Fugitive Slave Act recently passed by Congress is revolting to our moral sense, and an outrage upon our feelings of justice and humanity . . .

That while such an act remains upon our statute book we will not voluntarily aid in its execution, but we will in every legal and constitutional way, seek to protect and secure the rights and liberties of those who are sought to be made its "victims".⁵⁹

While the Executive Committee of the General Conference of the Methodist Protestant Churches of the United States in session in Baltimore reported "that they had no jurisdiction over the subject of Slavery,"⁶⁰ the Baptists at a State Convention in Detroit resolved that the fugitive slave law was a "flagrant violation of civil and moral rights and calls for prompt and efficient effort on the part of all Christian citizens by all lawful measures to obtain its speedy repeal."⁶¹

The churches might counsel "legal or peaceful opposition" to the rendition act but those resolutions adopted in hundreds of meetings contained no idle threat, and in the following months came reports of open resistance to the law from all parts of the Northwest. These incidents, multiplying and intensifying as the years went on, were to spell at the close of the decade the ultimate failure of the Compromise, for in them the South read the bad faith of the North, the flagrant violation of a pledge, and the disregard of the compact of Union. To the North, on the other hand, these evasions were protests against a law which in conscience they could not obey but to which the South would hold them no matter what the cost.

⁵⁹ Loc. cit.

⁶⁰ New York Daily Tribune, May 17, 1850.

⁶¹ Ibid., October 23, 1850.

It is impossible to treat of the numerous recorded violations of this law within the first year of its enactment, for hardly an issue of the papers appeared which did not report some evasion. The Racine (Wisconsin) Advocate gave a sympathetic account of twenty Negroes, wives and children, who were fleeing to safety, being given safe passage aboard the Empire State, a vessel bound for Canada.⁶² The Morgan Journal (Jacksonville, Illinois) on March 2, 1850, reported a severe and bloody contest between a runaway Negro and two white men endeavoring to capture him. The Negro, having wounded the white man, escaped, although badly wounded himself. He was aided by a third white man who bathed and dressed his wounds, hiding him till morning. The following day the Negro, sufficiently recovered to travel, was provided with a horse and told to make his escape.⁶³

A Negro woman and boy were seized in New Albany, Indiana, and taken to Kentucky to be sold. So white were they that a strong feeling arose in their favor, and when other attempts to help them failed, they were finally bought for six hundred dollars and set free.⁶⁴

In Marion, Illinois, a Mr. O'Havre seized a black belonging to Dr. Young of Marion and carried him back to Memphis as a fugitive slave, but only, according to a Memphis paper, "after much difficulty and heavy expense, being strongly opposed by the Free Soilers and Abolitionists, but was assisted by Mr. W. Allen, Member of Congress, and other Gentlemen."⁶⁵ Judge Denning of

62 Chicago Daily Democrat, October 31, 1850.

63 Chicago Daily Journal, March 8, 1850.

64 The Fugitive Slave Law and Its Victims, Anti-Slavery Tract, No. 18, American Anti-Slavery Society, New York, 1856, 8.

65 Loc. cit.

Illinois discharged a Negro brought before him as a fugitive slave on the ground that the Fugitive Slave Law was unconstitutional.⁶⁶

While the editor of the Journal and Messenger deplored the kidnapping of a colored freeman in broad daylight in the city of Cincinnati without any hindrance from the crowd whatsoever,⁶⁷ in another issue the same paper reported the arrest as a fugitive of Hamilton Jackson, intelligent colored barber of the city of Cincinnati, by a man named Hook. Jackson was taken to the watchhouse for safe keeping until he could be taken back to his alleged owner the following day. In the morning Hook could not be found and Jackson was released.⁶⁸ Numerous cases were reported throughout central and southern Ohio, among them being the wholesale kidnapping of the Polly family. On June 6, 1850, before the Fugitive Slave Law of 1850 was enacted, one grandchild and seven children of Peyton Polly, all free persons, were seized, carried to Kentucky, and sold into slavery. Indignation at this outrage ran high and many attempts, legal and otherwise, were made to recover the Polly family. On March 20, 1851, the Governor of Ohio was instructed by the Legislature to pay the necessary costs to set the Polly family free.⁶⁹

Over forty years later, the Inter-Ocean (Chicago) of June 28, 1891, carried an article on "Slavery in Chicago" based on an interview with L.C.P. Freer, a lawyer connected with the underground railroad in Chicago, who as an eyewitness told of the following escape:

⁶⁶ Ibid., 14.

⁶⁷ Journal and Messenger, May 17, 1850.

⁶⁸ Ibid., January 10, 1850.

⁶⁹ Cochran, 104.

At one time very early in the fifties two or three colored men who were working on the streets were arrested by the marshal and hurried off before the justice to be sent back to Missouri, where it was claimed they had escaped from slavery. While the trial was going on, several hundred of our friends assembled in front of the justice's office. One of the slaves walked to the door and was immediately seized by those nearest him and he was simply handed back by strong hands, lifted over the heads of the people until he was dropped at the outskirts of the crowd and allowed to make his escape. The others were rescued in the same manner.

It is the famous Detroit Case which best indicates the failure of the Fugitive Slave Law. A Negro had been arrested in that city under the new law on October 8, 1850, and hundreds of Negroes had armed to prevent his being carried away. The "posse comitatus" was called upon but refused to obey. However, the Negro was placed in prison and later examined. Here is the report contained in the Chicago Daily Democrat. After giving the facts of the case, the report continued: "In this 'state of facts' the 2nd Regiment of the United States Infantry had been called out to overawe and put down the people. It must be a bad law which has to be put in force at the point of a bayonet." And quoting the Detroit Advertiser, the same article said:

Most of the citizens participated in the excitement in regard to a certain negro. Mr. Knox, the United States Marshal, performed his duty under the stringent law of Congress, with a single eye to his oath of office, and the requirements of the bill. He was sustained by the Mayor and city authorities, and by two companies of United States troops; by the Grayson Light Guards; Detroit City Guard; Scott Guards. The military escort was considered necessary under the circumstances.⁷⁰

⁷⁰ Chicago Daily Democrat, October 12, 1850.

What is the significance of this episode, one of many which, perhaps on a smaller scale but none the less ominous, were to occur all over the Northwest? That in such a city the local and federal authorities felt so insecure that they were compelled to make this display of military strength to conduct one lone fugitive safely out of its limits, indicates the utter futility and final rejection of the Fugitive Slave Law.

The question of slavery and the slave trade in the District of Columbia as a separate issue brought forth no such reaction in the Northwest as did the other measures of the Compromise of Clay. Its import to the people of the Northwest, so far removed from the capital, was based upon the part such a question played in relation to the problem of slavery as a whole, and references to slavery and the slave trade in the District of Columbia are generally to be found mentioned secondary to the territorial question or the Fugitive Slave Bill.

There had been for many years a decided sentiment toward abolishing the slave trade and slavery in the Capital, on the grounds that such practices were incompatible with the fundamentals of democracy. In 1805 a motion was offered to the effect that slaves in the District should be emancipated at a certain age, but this motion was lost by a vote of 77 -- 31,⁷¹ apparently with little interest in and certainly with no question of its constitutionality. Similar petitions were received by Congress, and in 1817 The Philanthropist urged an appeal to Congress for the abolition of the slave trade at

⁷¹ Mary Tremain, Slavery in the District of Columbia, G.P. Putnam's Sons, New York, 1892, 58.

the capital, maintaining that Congress had exclusive jurisdiction over the District of Columbia.⁷² Such an assertion would have decidedly provoked heated discussion had not the great Missouri Compromise overshadowed all else to the extent that slavery in the District received little attention for the next six or seven years.

Anti-Slavery societies reopened the agitation, for they saw in the question of Columbia a preliminary step toward the final abolition of slavery; if Congress could be made to exert such jurisdiction over one territory, the way would be paved to extend that power to all territories, and the cause of the abolitionist would be won. It is interesting to note, however, that one of the earliest efforts to rid the District of the evil of slavery originated with the inhabitants themselves, who in 1828 sent a petition of a thousand signatures to Congress asking for abolition. "The petition was referred to the Committee on the District of Columbia but never reported on and although it was the most numerous signed it was not the last sent by the people of the District."⁷³

The spread of the abolition movement in the early 1830's aroused so much antipathy to the subject of slavery as a whole that even the ardor of the residents of the District of Columbia cooled, as evidenced by another petition in 1833 from the section containing less than 500 names, while the next memorial recorded asked that slavery be not abolished.⁷⁴

Petitions continued to pour into Congress from all sections of the North

⁷² Ibid., 59.

⁷³ Ibid., 62.

⁷⁴ Ibid., 73.

in such numbers that Congress in 1836 adopted the so-called "gag rules" which provided that thereafter all petitions presented for the abolition of slavery in the District of Columbia be referred to a select committee and that Congress ought not to interfere in any way with slavery in the District of Columbia.⁷⁵ This served only to increase the number of petitions, and slavery in the District revolved around the question of the power of Congress to abolish slavery or the slave trade.

By this time there were three shades of opinion regarding these petitions: those, few in number, who favored the memorials; a group who were opposed to slavery in the District, holding it constitutional, but believing that the proper way to treat these petitions was to refer them to the committee; the final group who opposed abolition and endeavored to ignore the abolitionist when it was impossible to silence him.

The territorial question in 1840, involving the same principle but of greater importance, superseded that of the District, and from this time on, the two are usually united in petitions and resolutions. Before adjournment, the 30th Congress passed a bill by a vote of 98 to 88 instructing that a committee be appointed for the District of Columbia to draw up a bill prohibiting the slave trade. In this manner the subject of slavery and the slave trade in the District of Columbia came before the 31st Congress.

Those provisions of Clay's Compromise dealing with the District declared:

. . . that it is inexpedient to abolish slavery in the District of Columbia without the consent of Maryland,

⁷⁵ Ibid., 76.

of the people of the District, and without just compensation to the owners of the slaves . . . for the prohibition of the slave trade in the District of Columbia.⁷⁶

Although attempts were made to amend the bill in such a manner as to provide for the abolition of slavery, Bill No. 226 with the sole provision "to suppress the slave trade in the District of Columbia" became a law on September 16.⁷⁷ The abolitionists felt it was something of a victory to gain even the extinction of the slave trade by an act of Congress.

The Northwest contributed its share of the number of memorials, her congressmen endeavored to push through resolutions to abolish slavery in the District, and many spoke on the right to petition Congress in such matters. Bissell and Shields of Illinois, Giddings of Ohio, Hunter and Durkee of Wisconsin spoke at length, not only upon the right of Congress to legislate for the District, but also of the duty of Congress in this regard. Douglas of Illinois and Ewing of Ohio expressed themselves in favor of the bill with the single objective of abolishing the slave trade. At the many mass meetings held, resolutions were passed in favor of Congress abolishing slavery and the slave trade in the District. But these utterances of the Northwest on this subject lack the fire and forcefulness found in those regarding California, New Mexico, or the Fugitive Slave Law. This can be explained in part, no doubt, by the remoteness of the District of Columbia from the great Northwest.

⁷⁶ Commager, 320.

⁷⁷ Cong. Globe, 31st Cong. 1st Sess., 1817.

CONCLUSION

Because the Compromise of 1850 embodied more than one issue, it is a most difficult task to gauge with exactness, the strength and the extent of the opposition manifested in the Northwest to the Compromise as a whole. Some of its provisions were accepted in their entirety, but the acceptance was characterized by a seeming passivity.

The Northwest stood united on the admission of California as a free state. With that assurance the majority of the people were willing to subordinate the California bill to that of New Mexico and Utah. California had been forced to wait many months, but if a longer delay insured the permanency of the Union, such an inconvenience was well worth the cost, and the fact that it would eventually come in as a free state was a sufficient triumph.

A very strong sentiment prevailed in favor of the Wilmot Proviso and against the extension of slavery which might have made itself more forcibly felt had not the personal influence of such men as Cass of Michigan and Douglas of Illinois been weighed in the balance. In addition to the efforts of these men, the logic of the argument that "Nature had made slavery unprofitable in these territories," was too sound for the fanatics to override. The moderates, greatly in the majority, and desirous of peace and the continuance of the Union, refused to be led into any rash action. Consequently, they were willing to forego the satisfaction of seeing a practical application of the Wilmot Proviso in connection with New Mexico and Utah, when Nature could peaceably secure the same objective.

Of all the issues of the Compromise, slavery and the slave trade in the District of Columbia compelled the least attention in the Northwest. Die-hard Proviso men and abolitionists would have welcomed the extinction of slavery by Congressional action, yet they were satisfied that the slave trade would be abolished in the District.

California, New Mexico and Utah, and the District of Columbia were all burning issues which, when solved would never again present themselves. If the Compromise dealt with these alone, the finality once reached, would have guaranteed forever its acceptance, and peace would have been established. But by its very nature the Compromise had a decided effect on the crisis eleven years later, contributing to its intensity, and this through the fugitive slave provision. The failure of the North to live up to this term of the Compromise deepened the Southern conviction that the North was thoroughly anti-slavery and desirous of relegating the South to an economic dependence. It was on this fugitive slave provision that the success of the Compromise hinged and by its rejection the Compromise failed. With each new outrage in the North against the federal authorities the bitterness and hatred of the South was increased; while in the North, the spirit of stubborn resistance grew daily more and more, leading to the conviction that slavery must go -- there was no compromise.

In no other section of our country did this spirit of resistance to the fugitive slave law manifest itself more keenly than in the Northwest. Despite their good intentions the people, although persuaded to give passive acquiescence to the law, could never be brought to take part in its enforcement. Freedom-loving, deeply imbued with strong religious principles, the

people of the Northwest vigorously rejected the fugitive slave provision of the Compromise of 1850, thus proving how logical was the argument of Seward, who had months before when speaking of the proposed law asked, "Has any government ever succeeded in changing the moral convictions of its subjects by force?"¹

¹ Rhodes, 165.

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APPROVAL SHEET

The thesis submitted by Sister Mary Joan Patricia Reilly, B.V.M. has been read and approved by two members of the Department of History.

The final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated, and that the thesis is now given final approval with reference to content, form, and mechanical accuracy.

The thesis is therefore accepted in partial fulfillment of the requirements for the Degree of Master of Arts.

Oct. 29, 1943
Date

Paul X. X. X.
Signature of Adviser